

EPC COMMISSION MINUTES & AGENDA

MONTH JUNE

YEAR 1989

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Minutes of the Environmental Protection Commission Meeting

June 19-20, 1989

Wallace State Office Building, Des Moines, Iowa

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JUNE 1989 COMMISSION MEETING

The meeting of the Environmental Protection Commission was held in the Wallace State Office Building, Des Moines, Iowa, convening at 2:45 p.m. on June 19-20 1989.

MEMBERS PRESENT

Mike Earley, William Ehm, Richard Hartsuck, Rozanne King, Charlotte Mohr, Margaret Prahl, Gary Priebe, and Clark Yeager.

MEMBERS ABSENT

Nancylee Siebenmann

ADOPTION OF AGENDA

The following items were added to the agenda:

- Item 1A - Election of Officers (Decision)
- Item 15K - Proposed Contested Case Decision--Mitchell Boars & Gilts (Decision)
- Item 16A - Leopold Center for Sustainable Agriculture Report (Informational)

Appointments:

- Monday, June 19 - Bernie Aulwes, Garden & Associates - 2:30 p.m.
- Monday, June 19 - Henry County Sanitary Landfill Commission - 3:45 p.m.
- Tuesday, June 20 - Winnebago Industries - 9:15 a.m.
- Tuesday, June 20 - Touch Down Company - 9:45 a.m.
- Tuesday, June 20 - Amoco Oil Company - 10:20 a.m.

Motion was made by Gary Priebe to approve the agenda as amended. Seconded by Clark Yeager. Motion carried unanimously.

ELECTION OF OFFICERS

Clark Yeager nominated Charlotte Mohr for chairperson.

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Mike Earley nominated Nancy Lee Siebenmann, in abstentia, for chairperson.

Motion was made by Clark Yeager to cease nominations. Seconded by Mike Earley. Motion carried unanimously.

Voice vote for chairperson was taken and Commissioners Earley and King cast a vote for Nancy Lee Siebenmann; Commissioners Hartsuck, Prahl, Priebe, Yeager, and Mohr cast a vote for Charlotte Mohr. Commissioner Ehm passed. The vote was 5 - Charlotte Mohr, 2 - Nancy Lee Siebenmann, and 1 - pass.

Chairperson Mohr thanked the Commission for their vote of confidence and stated that her roots are deep in Iowa and the environment, and it has always been her philosophy that when we are no longer caretakers of this great country, we should leave it for the next generation better than we found it.

Gary Priebe nominated Clark Yeager for vice chairperson. Seconded by Mike Earley.

Motion was made by Richard Hartsuck to cease nominations. Seconded by Gary Priebe. Chairperson Mohr cast a unanimous ballot for Clark Yeager as vice chairperson.

Clark Yeager nominated Nancy Lee Siebenmann for secretary. Margaret Prahl seconded the nomination and moved that nominations cease. Chairperson Mohr cast a unanimous ballot for Nancy Lee Siebenmann as secretary.

CONSTRUCTION GRANTS INNOVATIVE FUNDING SET ASIDE - FY 90

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The FY 1988 Project Priority List showed Ames was to receive Construction Grant funds from the Reserve for Grant Increases for Innovative Technology. The DNR reviewed their application and made a decision that the project was not eligible for a grant increase and removed it from the funding list when it was updated in January, 1988. This spring, after appeal by Ames, EPA determined the Ames project was innovative technology. Ames has requested that their grant be increased to fund the innovative technology portions of their project with funds from this reserve. Ames' request will use all of the funds projected to be available in this reserve fund in FY 1989 and 1990. The FY 1989 Project Priority List includes two cities that are eligible for innovative grant increases. These two cities would not now receive innovative grant increases, although they would still receive a base 55% construction grant. Nonetheless, loss of the

additional funds for innovative technology may mean these two cities may not be able to afford their projects.

Staff will discuss options and alternatives available to the commission.

Mr. Stokes presented background information of the funding process and explained the development of the State Priority System and how it works. He pointed out the difference between innovative and alternative technology. Mr. Stokes displayed charts showing funding and loan demands for the cities of Harvey, St. Marys, and Ames, and he distributed copies of the departmental rules (567-91.7(455b) covering Reserve Fund Administration. Also shown were projections for FY 90 funds for each of these cities. Additionally, Mr. Stokes presented the following options for the Commission to consider when it is time to make a decision:

- 1) No Commission Action
 - under current rules Ames would receive Innovative Technology funding
 - Ames absorbs all Innovative and Alternative set asides through remainder FY 90 - i.e. end of grant program
 - Harvey and St. Mary's receive no Innovative/Alternative dollars
 - Ames is not fully funded for Innovative/Alternative portions from bonus
- 2) Increase Innovative/Alternative reserve to maximum allowed by federal program - requires rule change
 - Ames absorbs all of increased amounts for Innovative/Alternative bonus. Through end of program.
 - Harvey and St. Mary's receive no Innovative/Alternative dollars
 - Ames comes closer to full funding of Innovative/Alternative portions from bonus reserves
- 3) Provide Innovative/Alternative reserve bonus dollars to smaller communities first - requires rule change
 - Provides full funding for Harvey's and St. Mary's Innovative/Alternative portions from bonus funds.
 - Provides less funding to Ames Innovative/Alternative portions from bonus funds
- 4) Combination of options 2 and 3 above
 - Fully funds Harvey and St. Mary's Innovative/Alternative from bonus funds
 - Provides more dollars to Ames Innovative/Alternative from bonus

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APPOINTMENT - BERNIE AULWES (CITY OF ST. MARYS AND HARVEY)

Bernie Aulwes, Garden and Associates Consulting Engineers, representing the cities of St. Marys and Harvey presented the following written statement:

My name is Bernie Aulwes and I am with Garden & Associates, Consulting Engineers of Oskaloosa. With me is Mayor Janet Sawyer of the City of St. Marys. Our presentation this afternoon is on behalf of the city of St. Marys and the City of Harvey, both cities are small unsewered communities that have had serious sewer drainage problems within their community and each city has taken positive action to eliminate the problem.

Our firm was hired to do a study of the feasibility, determine the estimated cost, review the possible alternatives available and to recommend possible methods of financing the necessary improvements that would be required. At this point in the project we have been directed to design the improvements selected by each city.

Working with the mayor, council and citizens of these communities, several types of systems were considered and each of the cities approved the use of an innovative/alternative sewer system. These cities recognized the fact that an I/A system might be somewhat more costly to operate and maintain and that they would be responsible for these cost but they also understood that the initial cost for this system would be less. At the point of decision they were told that they would be eligible for funding for the 55% conventional EPA funding for small unsewered communities and that they could also look toward funding for the innovative and alternative portions of the project for an additional 20% if they went with the proposed system. In order for St. Marys and Harvey to have a sewer system it was necessary for them to make use of all possible grant and loan funds available. It was necessary to look not only to EPA for funding under the small unsewered community funds but also necessary to go to Farmers Home Administration for grant and loan funds and also to the Community Development Block Grant program for funding. Things were looking very good at that point as it appeared that all three agencies were looking favorably on these projects.

The first blow to the project came in October of 1988 when these two communities were informed that the alternative funds they had been working for were no longer available to them because they had all been dedicated to one large city project. The loss of the alternative funds to St. Marys alone amounted to approximately \$6.94 per month per user. The cities felt that the need was still urgent, so with some additional help from the FmHA and by using the funding for the innovative collection system they could still proceed with the project.

Both cities do have their CDBG funding approval and contracts for the funds signed by the Department of Economic Development. They have also completed all the requirements for the FmHA funding. Applications have also been filed with EPA through the Department of Natural Resources for the unsewered community funds and the innovative collection system funding. These cities are not ready to proceed with the actual construction of a sewer system to serve their citizens.

We are now hearing that there is a possibility that the innovative funds may not be available for these cities in order to further the City of Ames project. The loss of the proposed \$17,300 innovative funding for the City of St. Marys could possibly increase their average user fee an additional \$1.85 per month per user. This would mean that it could cost the residents of the City of St. Marys up to \$8.79 per month to finance the loss of the innovative/alternative funds that would be given to Ames. We don't feel that just because St. Marys and Harvey are small communities the people there should be penalized. Not everyone wants to live in the larger cities in the state.

The residents of both communities feel so strong about having a central sewer system that they are willing to consider average user fees as high as \$20.00 to \$24.00 per month per user in order to have the sewer available. For your information an equal consumption based on the present sewer rates for the City of Ames would be \$13.75 per month which is very little more than what the loss of the alternative and innovative funds would cost St. Marys.

We are asking that no action be taken by the Commission at this point to cause these communities to loose any more of their funding. The money that is presently available to them from the innovative funds is needed to provide their sewer systems.

Both the City of Harvey and the City of St. Marys are presently listed on the 1989 DNR priority list for funding for unsewered communities and for small community alternative technology and we do not believe that it would be fair to these communities to change that list with their project so far along.

In Summary:

1. The residents of St. Marys and Harvey want and need a sewer system.
2. The residents of St. Marys and Harvey have done their planning for the sewer and are willing to accept less than a conventional system to have it.
3. The Mayor and City Council of St. Marys and Harvey have worked hard to get outside funding to help finance this program.

4. The residents of St. Marys and Harvey are willing to accept the higher average monthly user fee than that available in larger cities to have sanitary sewer available.
5. The City of St. Marys and the City of Harvey are presently both on the DNR priority list for 1989.

We therefore ask that the Environmental Protection Commission give very serious consideration to our statement and make no changes to the present priority list that would in any way further effect the plans these cities have made to provide sanitary sewer for their residents.

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Margaret Prah1 asked about the location of these communities, their population, and their mill levy rate per thousand.

Mr. Aulwes responded that St. Marys has a population of 142, and Harvey has 222 residents and is located in Marion county just east of Knoxville. He did not have the statistics available on the mill levy rate.

APPOINTMENT - JOHN KLAUS (CITY OF AMES)

John Klaus, City Attorney - Ames, stated that the city council asked him to address the Commission because they were beginning to feel a little insecure about their innovative funding. He noted that Allan Stokes gave an excellent analysis of the situation and related that he would encourage the Commission to give some thought to alternative #4 presented by Mr. Stokes. Mr. Klaus mentioned that the city went through a lengthy appeal process and they invested in engineering expense to develop what they thought was an innovative approach, and it is their feeling that they are entitled to the funding. He stated that he is encouraged to see DNR staff working up good ideas for better use of the EPA reserve funds.

The Commission decided to delay any action on this item until tomorrow, to allow them time to study the options presented by Mr. Stokes.

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Governmental Liaison Bureau, presented the following item. The Director requests the referral of the following to the Attorney General for appropriate legal action.

Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code section 22.7 (4).

Touch Down Company, et al. (Webster City) - water pollution/
hazardous condition
Clinton Pallet Company - solid waste
Eagle Wrecking Company (Denver, CO) - penalty collection
Kirshna A. Birusingh (Council Bluffs) - penalty collection
Aubrey Dean Lisle (Council Bluffs) - penalty collection
Winnebago Industries, Inc. (Forest City) - air quality
Amoco Oil Company (Stuart) - water pollution/hazardous condition
Tonja Mobile Home Park (Council Bluffs) - penalty collection
Ken Turner (Ft. Madison) - solid waste
Henry County Sanitary Landfill Commission - penalty collection

Henry County Sanitary Landfill Commission

Mike Murphy, Bureau Chief, Governmental Liaison Bureau, presented a history of this case. He stated that the department received a letter (May 5) from the attorney for Henry County Sanitary Landfill Commission stating that they were not going to appeal because they felt it would be more expensive than paying the penalty. That letter indicated the check was in the mail, but the department has never received it. Mr. Murphy related that staff feels it should be referred as time for appeal has passed.

APPOINTMENT - MARGE HARPER (HENRY COUNTY LANDFILL)

Marge Harper, Chairperson of the Henry County Landfill, stated that they decided not to contest this as they felt it was very unfair, and that the statements in the report were not true. She noted that the landfill has had a good rapport with the district personnel at Washington. Mrs. Harper stated that the inspector was a close personal friend of the owner of the land, who now wants his land back to farm it.

Margaret Prah1 asked if they sent a letter to the department stating that they had chosen not to appeal the Administrative Order.

Mrs. Harper responded that the attorney for the landfill did send such a letter and he advised the department that the \$600 would be forthcoming shortly, but the landfill did not authorize him to say that the penalty would be paid. She stated that their attorney felt that he should do one thing, and they felt like they should do something else.

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APPOINTMENT - Ron Van Buskirk (Henry County Landfill)

Ron Van Buskirk, part owner of the construction company that operates the landfill, stated that their attorney told him that he had 60 days to write a letter of appeal, but it turned out that he had only 30 days. Mr. Van Buskirk mentioned that the Administrative Order stated there had been previous warnings to the landfill, but the landfill has nothing in their files to indicate they have received copies of inspection reports, therefore they did not know they had a problem. The only inspection reports the landfill has are the ones they received from their consulting engineer.

Charlotte Mohr asked if the inspection reports are sent by certified mail.

Mr. Murphy responded that the reports are not mailed certified, but Vic Kennedy, Government Liaison Bureau, talked to Mrs. Harper and she acknowledged that they had received the reports and she sent them out. A copy was also sent from the department to the on site operator.

Mr. Stokes explained the routine inspection procedure and went on to say that the inspection staff discusses their findings with the operator before leaving the site, and the inspection is followed up with an inspection report to the facility.

Margaret Prah1 asked if Mrs. Harper is seeking to be relieved of the penalty.

Mrs. Harper responded that they are asking to be relieved of the penalty and she added that she does not understand why they received the penalty.

Mr. Murphy stated that the penalty was assessed because of three inspections last fall when inadequate daily cover or litter problems were observed.

Further discussion of the issues followed.

Motion was made by Gary Priebe for referral to the Attorney General's Office. Seconded by Mike Earley. Motion carried unanimously.

DIRECTOR'S REPORT

Director Wilson reported that a comprehensive orientation will be scheduled next month for the Commissioners. He advised that if there are any particular items they would like to have discussed,

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they should call him or Junie to have the items included on the agenda. This will be a meeting and the press and public will be invited.

Director Wilson gave a detailed presentation of the Resource Enhancement and Protection (REAP) program which evolved from HF 769, and was passed by the legislature last session. He displayed charts outlining the REAP bill which will result in \$15 million in FY 90 to be used for various conservation activities. Mr. Wilson expanded on the programs and funding mandated in the bill which will be administered by DNR.

TOXIC CLEANUP DAYS CONTRACT APPROVAL

Teresa Hay, Division Administrator, Waste Management Authority Division, presented the following item.

The Commission considered the proposed contract with the hazardous waste management firm, GSX Chemical Services, Inc., to conduct the toxic cleanup day held in Denison at the May meeting. While a vote for approval was taken, however, no motion had been made. It is necessary for the Commission to reconsider this item and vote on a motion for the record.

The Toxic Cleanup Day in Denison was scheduled June 17. Estimated cost is no more than \$50,000.

Motion was made by Mike Earley to approve the Toxic Cleanup Days Contract with GSX Chemical Services, Inc. for Denison. Seconded by Richard Hartsuck. Motion carried unanimously.

Ms. Hay noted that the Toxic Cleanup Days project in the Waterloo area will be paid for by the Black Hawk County Landfill Commission.

This was an informational item; no action was required.

APPROVAL OF MINUTES

Mike Earley noted that the request, made by Margaret Prahlast month, that bid proposals accompany future Toxic Cleanup Days item briefs should be included in the May minutes.

The following bid proposals should have been included with that item:

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Proposals were submitted to the Department for the Toxic Cleanup Days in Waterloo and Denison from four firms. The firms, our cost estimates based on their proposal and other factors are listed below.

GSX Chemical Services, Inc. \$87,735.00

Over five years of experience conducting over 100 toxic cleanup days around the country. No violations on record as of 2/15/89. Five pronged technical approach for management of waste materials.

Drug & Laboratory Disposal, Inc. \$90,904

Four years of experience. Number of events conducted unclear. No violations. Four pronged approach for management of waste materials.

CECOS International \$143,883

Primary experience with toxic cleanup days within last four years. Number of events conducted unclear. No violations. Majority of waste would appear to be landfilled (last on hierarchy).

Interstate Environmental Services \$107,909

Experience conducting toxic cleanup days unclear in proposal. Emphasize recycling rather than landfilling but do not offer consolidation (increases costs).

Mr. Earley requested that the comment by Director Wilson, that orientation for new Commissioners will be given within 60 days, should also be included in the May minutes.

Motion was made by Margaret Prahl to approve the minutes of May 22, 1989 as amended. Seconded by Mike Earley. Motion carried unanimously.

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report

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5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
June 1, 1989

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	SUMMARY OF COMMENTS & RECOMMENDATIONS TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 62 - Effluent and Pretreatment Standards: Other Effluent Limits or Prohibitions	5/22/89	*6/14/89		7/05/89				
2. Ch. 101-106 - Landfill Closure Post-Closure, Leachate	4/17/89	5/03/89	6/07/89	6/06/89 6/07/89 6/08/89				
3. Ch. 133 - General Guidelines for Determining Clean-Up Actions and Responsible Parties	3/01/89	3/22/89	4/20/89	4/11-12/89 4/16-19/89 4/25-26/89	6/19/89	*6/19/89	*7/12/89	*8/16/89
4. Ch. 136 - UST, Financial Responsibility	1/23/89	2/22/89	3/13/89	3/16/89				

*Projected

Monthly Variance Report

5/31/89

No. Facility	Program	Engineer	Subject	Decision	Date
1 E.Chapman Excav-Wilton	Air Quality		Rubbish	denied	05/09/89
2 Oak Ridge Est. Mt. Vernon	Wastewater Const.	RHS Consultants, Inc	Valve Fit	denied	05/24/89
3 Bevington, City of	Flood Plain	Britson Consultants	Freeboard	approved	05/01/89
4 Davenport, City of	Flood Plain	City Engineer	Freeboard	approved	05/19/89
5 Sac County	Solid Waste	P.Schwartz, Co. Engr	Permit Exceptions	approved	05/01/89
6 Crawford County	Solid Waste	Dale Wright, Co. Engr.	Permit Exceptions	approved	05/05/89
7 Plymouth County	Solid Waste	Tom Kone, Co. Engr.	Permit Exceptions	approved	05/06/89
8 Coralville, City of	Watersupply Const.	Shoemaker & Hazland	Siting Criteria	denied	05/22/89

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Report of Hazardous Conditions

During the period May 1, 1989 through May 31, 1989, reports of 124 hazardous conditions were forwarded to the Central Office. Two incidents are highlighted below. A general summary and count by field office is attached. These do not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Description: Material, Amount, Date of Incident, Cause, Location, Impact	Responsible Party	Response and Corrective Actions
05/02/89 CARROLL	An unhooked semi-trailer fell through the dollies and punctured a tank containing a 28% solution of nitrogen fertilizer two miles west of Roselle, Iowa on county road E46 on May 2, 1989. About 4000 gallons of material spilled onto crushed rock, soil, and into a nearby creek. About 7500 to 10,000 chubs and minnows were killed.	West Central Cooperative Halbur, Iowa 51444	A backhoe was used to block off a ditch and storm sewer. A trench was also dug to prevent further contamination of the creek. Standing material was pumped up and the trench was tiled. A sump hole and pump were installed so that additional product could be recovered.
05/10/89 STORY	On May 10, 1989, a car collided with a truck about 1/2 mile east of I-35 on county road E29. About 6650 pounds of dry granular fertilizer impregnated with 13.3 gallons of Eradicane 6.7E spilled into a stubble field when the truck tipped on its side.	Heart of Iowa Cooperative Roland, Iowa 50236	An end loader, brooms, and shovels were used to recover about 99% of the product. The material was transported to the field for which it was originally intended.

Numbers in Parentheses Represent Reports for the Same Period in Fiscal Year 1988

Substance Type						Mode				
Month	Total # of Incidents	Petroleum Product	Agri. Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct	47	20	8	19	25	0	14	3	0	5
Nov	55	27	9	19	35	3	12	1	0	4
Dec	44	21	3	20	29	0	9	1	1	4
Jan	54	32	6	16	32	0	10	3	3	6
Feb	52	25	11	16	36	2	5	3	2	4
Mar	50	34	2	14	30	2	12	1	0	5
Apr	78	28	33	17	54	0	19	1	1	3
May	124(99)	33(39)	57(42)	34(18)	56(48)	2(0)	52(42)	2(2)	1(1)	11(6)

Total # of
Incidents Per
Field Office
This Period

01	02	03	04	05	06
24	20	9	15	32	24

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Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Humboldt County Sanitary Landfill Commission, Dakota City (2)	Solid Waste	Cover Violations	Order/Penalty	5-2-89
City of Iowa City (6)	Solid Waste	Cover Violations	Order/Penalty	5-2-89
Lakeview Drive Well, Cedar Falls (1)	Drinking Water	Monitoring/Reporting - Bacteria	Order/Penalty	5-2-89
Dean Hagen, d/b/a Grand Avenue Texaco, Ames (5)	Underground Tank	Remedial Action	Consent Order	5-2-89
City of Fort Madison (6)	Wastewater	Prohibited Discharge	Order	5-2-89
City of Graf (1)	Flood Plain	Construction Without Permit	Order/Penalty	5-2-89
The Midway, Holy Cross (1)	Drinking Water	Monitoring/Reporting - Nitrate	Order/Penalty	5-2-89
Sidney Water Supply (4)	Drinking Water	Monitoring/Reporting - Radioactivity	Order/Penalty	5-2-89
Chicago & Northwestern Transportation Co., Iowa Falls (2)	Hazardous Condition	Remedial Action	Order	5-5-89
Dalluge Turkey Farm, Grafton (2)	Air Quality Solid Waste	Open Burning Open Dumping	Amended Order	5-5-89
Lake Macbride Golf Course, Solon (6)	Drinking Water	Monitoring/Reporting - Nitrate	Order/Penalty	5-8-89
The Rose Garden, Maquoketa (1)	Drinking Water	Monitoring/Reporting - Nitrate	Order/Penalty	5-8-89
Ken Forburger, Wesley (2)	Air Quality	Open Burning	Amended Order	5-10-89
Victor Fisher, LuVerne (2)	Air Quality	Open Burning	Amended Order	5-10-89
Paul Kloberdanz d/b/a The Mart, Danville (6)	Underground Tank	Remedial Action	Order/Penalty	5-16-89
Cattlemen's Steak and Provisions, Belmond (2)	Drinking Water	Monitoring/Reporting - Nitrate	Order/Penalty	5-16-89
James Waterhouse, Keota (6)	Flood Plain	Construction Without Permit	Amended Order	5-16-89
Wright County Area Landfill, Dows (2)	Solid Waste	Cover Violations	Order/Penalty	5-16-89
Sutliff Store & Tavern, Lisbon (1)	Drinking Water	Monitoring/Reporting - Nitrate	Order/Penalty	5-16-89
The Rendezvous, Fort Madison (6)	Drinking Water	Monitoring/Reporting - Bacteria	Order	5-18-89
Western Hills Mobile Home Park, Coralville (3)	Wastewater	Monitoring/Reporting - Operational Violations	Order	5-30-89
Sun Wise Systems Corp., Sac City (3)	Wastewater	Pretreatment	Amended Order	5-30-89
Sac City (3)	Wastewater	Sludge Disposal - Pretreatment	Amended Order	5-30-89

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Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
*Shelter Shield (Buffalo Center)	AQ	1,000	12-03-86
*JTM Indust./MacDade/Leamer (Pleasant Valley)	SW	1,000	8-12-87
*OK Lounge (Marion)	WS	448	11-01-87
*Richard Davis (Albia)	SW	1,000	2-28-88
Handi-Klasp, Inc. (Webster City)	WW/HC	1,000	8-02-88
*McCabe's Supper Club (Burr Oak)	WS	335	12-14-88
*Wee Willy's (Quasqueton)	WS	450	2-23-89
Krause-Gentle Corp. (Laurel)	HC	1,000	3-17-89
Ottosen Water Supply	WS	200	4-01-89
Tonja Mobile Home Park (Council Bluffs)	WS	100	4-03-89
*Austin Rumley (Leon)	FP	600	4-06-89
Aubrey Dean Lisle (Council Bluffs)	SW	300	5-04-89
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
Kirshna A. Birusingh/Ed Athey (Crescent)	SW	1,000	5-16-89
Seven Ponds Park (Sperry)	WS	200	5-16-89
Henry Co. Sanitary Landfill (Mt. Pleasant)	SW	600	5-17-89
**Twelve Mile House (Bernard)*	WS	119	5-20-89
**Milo Chalfant, et. al. (Webster City)	SW	216	5-21-89
Nob Hill Supper Club (Decorah)	WS	230	6-01-89
Super Bowl (Atlantic)	WS	215	6-06-89
**Lawrence Payne (Ottumwa)*	SW	425	6-19-89
Dalluge Turkey Farm (Grafton)	AQ/SW	300	6-19-89
Bremer Utilities (Bremer)	WS	200	6-26-89
South Win Golf Club (Calmar)	WS	100	6-26-89
Lonnings Landing (Dorchester)	WS	100	6-26-89
Gilbert John Fjone (Swaledale)	SW	400	7-04-89
Iowa City Sanitary Landfill	SW	600	7-04-89
City of Graf	FP	400	7-04-89
City of Sidney	WS	200	7-04-89
Lake Macbride Golf Course (Solon)	WS	100	7-11-89
Glenn C. Seveck (Mason City)	SW	400	7-17-89
Cattlemen's Steak & Provisions (Belmond)	WS	200	7-18-89
Paul Klorberdanz d/b/a The Mart (Danville)	UT	1,000	7-18-89
Sutliff Store and Tavern (Lisbon)	WS	200	7-18-89
Wright County Area Landfill Authority (Dows)	SW	600	7-19-89
The Rose Garden (Maquoketa)	WS	200	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
AMOCO Oil Co. (Des Moines)	UT	1,000
Iowa City Regency MHP	WW	1,000
Thomas E. Lennon (Barnum)	FP	700
Great Rivers Coop (Atavia)	HC	1,000
1st Iowa State Bank (Albia)	SW	1,000
Stan Moser (Hudson)	SW	250
Cloyd Foland (Decatur)	FP	800
Land O' Lakes, Inc. (Ellsworth)	WW	1,000
City of Marcus	WS	1,000
Cindi's Chanti (Elgin)	WS	560
Superior-Ideal, Inc. (Oskaloosa)	WW	1,000
Howard Gross (West Union)	FP	800
Arthur Pape (West Union)	FP	800
IBP, inc. (Columbus Junction)	WW	600
William C. Augustine (Rose Hill)	FP	1,000
Fred's 66 (Davenport)	HC	1,000
King's Terrace Mobile Home Court (Ames)	WW	1,000
King's Terrace Mobile Home Court (Ames)	WS	315
Premium Standard Farms, Inc. (Boone Co.)	WW/AQ	700
Mitchell Boars & Gilts (Madison Co.)	WW/FP	1,000
City of Des Moines	WW	1,000
Des Moines Metro Solid Waste Agency	SW	1,000
Amoco Oil Co. (West Des Moines)	UT	1,000

*Referred to Attorney General

**On Payment Schedule

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June 1989

Environmental Protection Commission Minutes

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Victor Fisher (LuVerne)	AQ	200
Ken Forburger (Wesley)	AQ	200
Hubbard Recreation (Hubbard)	WS	100
Orchard Water Works	WS	50
M & W Mobile Home Park (Muscatine)	WS	100
*Milo Chalfant, et. al. (Webster City)	AQ	434
Konfrst Trash Service (Glenwood)	AQ/SW	1,000
Marengo Golf Club (Marengo)	WS	100
*Dallas E. Robinson (Mason City)	SW	424
Bill Keough (Fertile)	AQ	350
North Pine Mobile Service Station (Davenport)	WS	200
*Ellie's Bar and Grill (Grand River)	WS	265
The Midway (Holy Cross)	WS	50
Hillside Golf Club, Inc. (Wesley)	WS	50
Lakeview Drive Well (Cedar Falls)	WS	100
Clear Lake Sanitary District	WW	500
Humboldt County Sanitary Landfill Comm.	SW	600
Lawrence Payne (Ottumwa)	SW	50
City of What Cheer	WW	1,000
Dubuque Regional Airport (Dubuque)	WS	150
Miller Products Co. (Osceola)	WW	500
(Additional Penalty/8d-WW-21)		

TOTAL \$6,423

*Referred to Attorney General
**On Payment Schedule

DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION ATTORNEY GENERAL REFERRALS June, 1989

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
					Referred	12/16/82
					EPA suit filed	2/26/87
					State intervention	3/05/87
					Motion to dismiss granted/denied	2/26/88
					Filed interlocutory appeal	3/11/88
					Argued in circuit court	11/14/88
					Decision in favor of govt.	4/04/89
Aidex Corporation Council Bluffs (4)		Hazardous Waste	Release of Hazardous Substances	Referred to Attorney General		
ASPRO, Inc. Waterloo (1)		Air Quality	Excess Emissions	Order	Referred	2/16/88
					Referred	2/20/87
					Default Judgment \$7500	6/22/87
					Second Lawsuit Filed	8/07/88
					Consent Decree	8/23/88
					Filed New Case	11/01/88
Bozarth and Bell, Inc. Davenport (6)		Solid Waste	Open Dumping	Order		
					Referred	2/23/89
					Consent Decree (\$1,000)	5/31/89
Carson, City of	Updated	Wastewater	MIP-Certified Operator	Order/Penalty		
					Referred	3/21/89
					Consent Decree (\$4,300)	5/30/89
City of Des Moines (5)	Updated	Wastewater	Sludge Disposal	Referred to Attorney General		
Cooper, Kenneth/Hunter Oil Winburn (5)		Storage Tank	Spill Cleanup	Order	Cooper Referred Hunter Referred	10/27/87 8/17/88
					Referred	6/22/88
					Suit Filed	8/11/88
					Default Judgment	4/21/89
Davis, Richard & Sonia (5)		Solid Waste	Open Unpermitted Dumping	Referred to Attorney General		
Ellsworth, City of (2)		Wastewater	Discharge Limits	Order	Referred	4/18/89
					Referred	12/15/87
					Suit Filed	3/24/88
					Discovery Proceeding	
Hilltop Feeders (Jorgenson) Winneskie (1)		Air Quality	Operation Without Permit	Order		
IBP, Inc. (Langensfeld) Denison (4)		Wastewater	Prohibited Discharge	Order	Referred	11/17/87
					Referred	10/20/88
					Criminal Info. Filed	3/20/89
					Not Guilty Plea	3/27/89
Jerry Jansen Kelllogg (5)		Fish Kill	Prohibited Discharge	Referred to Attorney General		

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Environmental Protection Commission Minutes

June 1989

DEPARTMENT OF NATURAL RESOURCES
 ENVIRONMENTAL PROTECTION COMMISSION
 ATTORNEY GENERAL REFERRALS
 June, 1989

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Kinsinger, Vernon Kalona (1)		Solid Waste Air Quality	Open Dumping Open Burning	Order/Penalty	Referred Administrative Penalty Paid	1/24/89 2/23/89
Leamer, Delbert; JIM Ind. Pleasant Valley (6)		Solid Waste	Open Dumping	Order/Penalty	Referred Suit Filed	11/17/87 3/13/89
McCabe's Supper Club Burr Oak (1)		Drinking Water	Monitoring/Reporting Bacteria & Nitrate	Order/Penalty	Referred Suit Filed	1/24/89 3/10/89
McGregor, City of (1)		Wastewater	MIP	Order	Referred	4/18/89
Ottumwa - Wapello County Sanitary Landfill Commission (6)	New	Solid Waste	Operation Violations	Referred to Attorney General	Referred	5/22/89
Parr Manufacturing, Inc.		Wastewater	Prohibited Discharge	Order	Referred	2/23/89
Poggemiller, William et.al. Louisia County (6)	Updated	Flood Plain	Channel Change	Referred to Attorney General	Referred Suit Filed Creek Channel Restored Consent Decree	3/20/87 6/25/87 4/17/89 4/28/89
Renslow, Donald Grand Junction (4)		Underground Tank	Failure to Monitor	Order	Referred Suit Filed Default Judgement	8/17/88 12/30/88 3/06/89
Robinson, Dallas E. Mason City (2)	Updated	Solid Waste	Open Dumping	Order/Penalty	Referred Judgement Penalty Paid	1/24/89 3/27/89 5/26/89
Rumley, Austin and Darrell, Leon (5)	New	Flood Plain	Construction Without Permit	Order/Penalty	Referred	5/22/89
Shelter Shield Buffalo Center (6)		Air Quality	Excess Emissions; Construction w/o permit	Order/Penalty	Referred Suit Filed Default Judgement \$7,500	2/20/87 6/30/87 12/22/87
63-180 Truckstop Foweshiek Co. (5)		Wastewater	Monitoring/Reporting, Discharge limitations, operational violations	Order/Penalty	Referred Suit Filed	8/17/88 11/22/88
University Park, City of (5)		Wastewater	MIP	Order/Penalty	Referred Suit Filed	9/28/88 11/16/88
Wee Willy's Quasqueton (1)		Drinking Water	Monitoring/Reporting Bacteria & Nitrate	Order/Penalty	Referred	3/21/89
Wilton Steel Processing (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	5/17/88
Waterhouse, James & Berna Washington County (6)		Flood Plain	Channel Change	Referred to Attorney General	Referred Suit Filed Trial Set Summary Judgment Granted the State	3/16/87 5/13/87 5/13/88 9/30/88
Wolleson, Robert C. Buena Vista and Cherokee Counties (3)		Wastewater	Prohibited Discharge	Order	Referred Consent Decree Contempt Finding Contempt Finding Contempt Finding Contempt Finding Compliance Date	11/24/84 4/25/85 7/02/85 9/25/86 8/24/87 11/14/88 7/01/89
Woolstock, City of		Wastewater	Monitoring; effluent violations	Order/Penalty	Referred	2/23/89
Yocum, Max Johnson (6)		Flood Plain	Prohibited Construction	Defending Referred to Attorney General	Suit Filed Referred Counter Claim Filed	12/18/84 7/12/85 10/85
					Trial Held Judgment for Department Court of Appeals Affirmed Judgment Further Review Denied	6/16/87 8/18/87 11/29/88 2/06/89

E89Jun-16

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
June, 1989

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Administrative Order	WW	Landa	Hearing continued.
6-12-86	ADM - Clinton	Administrative Order	Air	Landa	Hearing continued.
12-03-86	City of Waukeg	Administrative Order	WS	Hansen	Amended Admin. Order issued.
5-12-87	Iowa City Regency MHP	Administrative Order	WW	Hansen	Hearing held 11-03-87.
6-11-87	Thomas Lannon	Administrative Order	FP	Clark	Appealed to District Court.
8-10-87	Great Rivers Co-op	Administrative Order	HC	Landa	Clean-up completed. Final report due.
1-15-88	First Iowa State Bank	Administrative Order	SW	Kennedy	Continued. Settlement pending.
1-22-88	IBP, Fort Dodge	NPDES Permit	WW	Hansen	Negotiating before filing.
2-04-88	Beaverdale Heights, Woodsman; Westwood Hills	Administrative Order	SW	Landa	Continued pending resolution. Settlement discussions
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Landa	Phase II to be submitted.
3-01-88	Cloyd Foland	Administrative Order	FP	Clark	Final decision appealed 12-22-88.
4-13-88	Land O'Lakes, Inc.	Administrative Order	WW	Murphy	Negotiating before filing.
5-16-88	Marcus, City of	Administrative Order	WS	Landa	Settlement proposed.
6-22-88	Cindi's Chanti	Administrative Order	WS	Murphy	Negotiating before filing.
6-23-88	Bill Keough	Administrative Order	AQ	Landa	Settled.
7-01-88	Superior Ideal, Inc.	Administrative Order	WW	Hansen	Hearing continued pending settlement discussions.
7-25-88	Nishna Sanitary Service, Inc.	Permit Conditions	SW	Landa	Hearing continued. Settlement proposed.
7-25-88	Aspro, Inc.	Operation Permit	WW	Landa	Settlement proposed.
7-25-88	The R.J.S. Enterprises Corp. and Ralph J. Hobbs	Administrative Order	AQ	Landa	Hearing continued. Settlement proposed.
8-03-88	Hardin County	Permit Conditions	SW	Landa	Hearing continued. Settlement proposed.
8-10-88	Dennis Elwell Investment Co.	Construction Permit	WW	Hansen	Dismissed.
9-27-88	City of Woden	Permit Condition	WS	Hansen	Hearing set for 6-6-89.
9-28-88	Deere & Company	SWA Denial	SW	Landa	Settlement proposed.
10-03-88	A. Gross/H. Pape	Administrative Order	FP	Clark	Negotiating before filing.
10-03-88	IBP, Columbus Junction	Administrative Order	WW	Clark	Hearing continued.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Landa	Hearing continued. Settlement proposed.
11-14-88	William C. Augustine	Administrative Order	FP	Clark	Negotiating before filing.
11-22-88	Lake Shore Drive, Inc.	Administrative Order	FP	Clark	Sent to DIA 5/30/89.
12-02-88	Edward Cain	Permit Denial	FP	Clark	Hearing set for 9/27/89.
12-02-88	Davis Co. Board of Supervisors	Administrative Order	AQ	Landa	Hearing continued.
12-05-88	Larry Dittmer	Administrative Order	AQ	Landa	Decision appealed; settlement pending.
1-20-89	Clear Lake Sanitary District	Administrative Order	WW	Kennedy	Settled.
1-25-89	Amoco Oil Co.	Administrative Order	UT	Landa	Settlement proposed. Clean up progressing.
1-26-89	City of Ogden	Administrative Order	WW	Murphy	Settlement proposal 3-17-89.
1-30-89	City of New Market	Permit Revision	WS	Murphy	Negotiating before filing.
2-10-89	Northwestern States Portland Cement Company	Site Registry	HW	Landa	Sent to DIA.
2-10-89	Baier/Mansheim/Moyer	Site Registry	HW	Landa	Sent to DIA.
2-13-89	King's Terrace Mobile Home Court	Administrative Order	WW	Murphy	Negotiating before filing.
2-13-89	King's Terrace Mobile Home Court	Administrative Order	WS	Murphy	Negotiating before filing.
2-16-89	John Deere Co.	Site Registry	HW	Landa	Sent to DIA.
2-16-89	Premium Standard Farms	Administrative Order	WW/AQ	Murphy	Hearing continued.
2-23-89	Lakeview Benefited Sanitary District	NPDES Permit	WW	Hansen	Hearing set for 6-08-89.
3-09-89	Mitchell Boars and Gilts	Administrative Order	WW/FP	Murphy	Hearing held 5-03-89.
3-14-89	Dannie R. Hoover and Bill Edwards	Flood Plain Permit Issuance	FP	Clark	Negotiating before filing.
3-27-89	Victor Fisher	Administrative Order	AQ	Kennedy	Negotiating before filing.
3-27-89	Kenneth Forburger	Administrative Order	AQ	Kennedy	Negotiating before filing.
4-13-89	Finlan Landfill	Permit Revocation	SW	Kennedy	Sent to DIA.
4-17-89	City of Des Moines	Administrative Order	WW	Murphy	Sent to DIA.
4-18-89	Star Coal Company	SWA Denial	SW	Landa	Negotiating before filing.
4-20-89	Des Moines Metro SLP	Administrative Order	SW	Kennedy	Sent to DIA.
5-01-89	Amoco Oil Company	Administrative Order	UT	Landa	Negotiating before filing.

June 1989

Environmental Protection Commission Minutes

Mike Earley requested that another column entitled "anticipated" be added to the Rulemaking Status Report.

Margaret Prah1 asked about the process used in preparation of the variance report, how does a party get listed on the report, and what does it mean to the Commissioners?

Mr. Stokes explained the process used. He also gave a detailed explanation of the administrative appeals process.

Mrs. Prah1 stated that in regards to the administrative rules process, she would like to see some kind of an action guide to show what happens and when the Commission has a decision to make, rather than receiving just an informational report.

Discussion followed regarding the monthly report item and its purpose.

This was an informational item; no action was required.

CONSTRUCTION GRANT PRIORITY LIST AND FUNDABLE PROJECT SUMMARY -
FY 90

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be provided a copy of the proposed Fiscal Year 1990 Construction Grants State Project Priority List. They will be asked at their July meeting to approve this proposed list for the hearing to receive public input as required by EPA. After the public hearing, the commission will be presented with comments received during the hearing and any changes proposed as a result of those comments, and asked for final approval to submit the list to EPA. The list will show those projects proposed to receive EPA grant assistance in federal fiscal year 1990, the last year of authorized appropriations for grants for wastewater treatment construction under the Clean Water Act. The list will be based on an assumed allotment equal to the FY1989 allotment of \$12,629,800.

Staff will present options and answer questions.

PROPOSED
FOR COMMENT AT PUBLIC MEETING

STATE OF IOWA

IOWA DEPARTMENT OF NATURAL RESOURCES

FISCAL YEAR 1990

CONSTRUCTION GRANTS STATE PROJECT PRIORITY LIST

CONSTRUCTION GRANTS FUNDING SUMMARY

The attached funding summary is condensed from the proposed Fiscal Year 1990 State Project Priority List. It includes, in priority order, projects anticipated to be funded with available federal allotments through Fiscal Year 1990. Projects from the Fiscal Year 1989 Fundable List which have not yet been awarded a grant are shown in the first column. Projects in the second column comprise the proposed Fiscal Year 1990 Fundable List. The Fiscal Year 1990 Fundable List is based on an allotment of \$12,629,800 for Fiscal Year 1990.

This assumed allotment is equivalent to the Fiscal Year 1989 allotment received from actual Congressional appropriations. It is emphasized that grant funding for the projects on the proposed Fiscal Year 1990 list is dependent on actual appropriations and allotments to Iowa. An allotment less than \$12,629,800 to Iowa may require the removal or grant adjustment of projects on the Fiscal Year 1990 Fundable List. Appropriation of the full authorization of the Clean Water Act would provide an estimated allotment of \$16.1 million to Iowa and may allow projects to be added to the list or grant amounts increased in some cases. The administration's budget proposal to appropriate one-third of authorized funding would likely require the removal of Laurel and Portsmouth and would reduce the grant available to Winterset substantially.

FY 1989 - FY 1990

CONSTRUCTION GRANTS STATE PROJECT PRIORITY LIST

CONSTRUCTION GRANTS FUNDING SUMMARY

STEP	PROJECT	ESTIMATED EPA GRANT ASSISTANCE ***	
		FY 1989	FY 1990
3	Des Moines ICA (segmented)	11,925,290	7,577,850
3	Ames		
3	Marshalltown	2,365,000	
4	Nevada	1,056,000	
4	Iowa Falls		435,600
4	Winterset		985,600
4	West Chester */**		391,050
4	Harvey */**	336,870	
4	Laurel */**		458,200
4	Cumming */**	145,750	
4	St Marys */**	295,680	
4	Portsmouth */**		395,780
FISCAL YEAR FUNDING ESTIMATE		\$16,124,590	\$10,244,080

PROJECT STEP KEY

3 Construction

4 Combination grant for design and construction. Available only when the grant amount is less than \$3 million, the project has not been segmented, and the population is under 25,000.

* Unsewered community

** Small community-alternative technology

*** Grant amount shown is the basic 55% (or 75%) grant. A project may also qualify for innovative/alternative bonus funding.

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D:FY90.C

FY 1990 SUMMARY OF FUNDS

I. Estimated EPA Assistance Required

A. Estimated assistance for projects				\$26,368,670
B. Designated reserve for grant increases				3,640,519
C. Reserve for grant increases for alternative technology				442,043
D. Reserve for grant increases for innovative technology	FY 1988	\$	89,862	
	FY 1989	\$	63,149	
	FY 1990	\$	63,149	216,160
E. Reserve for state management assistance 205(g)	FY 1989	\$	657,024	
	FY 1990	\$	657,024	1,314,048
F. Reserve for water quality management 205(j)(1)	FY 1988	\$	310,850	
	FY 1989	\$	126,298	
	FY 1990	\$	126,298	563,446
G. Reserve for non-point source management 205(j)(5)	FY 1988	\$	310,850	
	FY 1989	\$	126,298	
	FY 1990	\$	126,298	563,446
H. Reserve for advances of allowances (no need projected FY 1989)				
Total grant needs				\$33,108,332

II. FY 90 Non-additive Set-Aside Reserve Funds

A. FY 1990 reserve for alternative systems for small communities	\$	505,192
B. FY 1990 quota for unsewered communities	\$	631,490

III. Available Funds

A. FY 72-87 Carryover (5/01/89)	\$	827,741
B. ICA Reallotment		5,821,838
C. FY 1988 Allotment Balance (5/01/89)		1,641,796
D. FY 1989 Allotment Balance (5/01/89)		12,187,757
E. FY 1990 Allotment Assumption		12,629,800
		\$33,108,332

D:FY90.C

STATE OF IOWA
IOWA DEPARTMENT OF NATURAL RESOURCES

FISCAL YEAR 1990
CONSTRUCTION GRANTS STATE PROJECT PRIORITY LIST

The following list contains detailed information for fundable projects in Fiscal Year 1990. It also shows the priority rankings of all other projects which may be eligible for EPA grant funding but cannot be funded with available funds.

Pages 1 through 3 comprise the fundable list.

A summary of funds on Page 4 shows how available fund balances are proposed to be distributed.

Pages 5 through 6 list the subsequent steps or phases of projects which have been initiated with grants assistance.

Pages 7 through 9 show the relative rankings of all other projects which are not fundable.

DESCRIPTION OF STATE PROJECT PRIORITY LIST INFORMATION

COLUMN	DESCRIPTION
<u>Priority Rank</u>	Priority Rank - This is a sequential order of priorities by project and step.
<u>Priority Points</u>	Priority Points - This is the point source rating according to the criteria contained in 91.10(455B).
Applicant Legal Name	Identification of the eligible applicant.
County Name	
Street Address	
City, Zip Code	
<u>Permit No.</u>	Permit No. - Iowa NPDES discharge permit most closely related to the applicant's project. If the project does not have municipal wastewater treatment and collection facilities, "UNSEWERED" is entered.
<u>Auth/Fac No.</u>	Auth/Fac No. - An identifying number for the facility used in the national Needs Survey conducted by EPA. If multiple authorities exist, the word "MULTIPLES" is entered in place of the authority/facility number.
Grant No.	This is the grant number of the predecessor step or project for this project.
Parent Project	
Project Number	This is the grant number including a state assigned facility need number and sequence number. The sequence number is the last two digits and indicates the number of the grant award to the applicant under the assigned facility need number (01 indicates first grant award, 02 second, etc.).
<u>Project Step</u>	Project Step
<u>Type</u>	3 - Construction 4 - Combination grant for design and construction
	Type
	N - New grant award (01 sequence number)
	C - Continuation grant award (other than 01 sequence number)
State Cert.	Date (year-month-day) by which State anticipates the grant application will be forwarded to EPA for grant award. A preceding F signifies an actual endorsement date, and P indicates a projected target date.
Proj. Desc.	Project Description
	T - Wastewater treatment facility
	IT - Interceptor sewer integral to the treatment works as well as a treatment facility
	Rehab - Cost effective sewer system rehabilitation related to treatment works
	I(T) - Interceptor sewer construction in lieu of, or an integral phase of treatment works construction, assigned a treatment priority ranking
	EB - Equalization basin
	Relief - Relief sewers to transport nonexcessive I/I to treatment facilities
	Coll - Sanitary sewer collection system
	Storm Sewer - Cost effective removal of inflow sources; reconnection to storm sewers

COLUMN	DESCRIPTION
Sm Comm	Identification of a project as eligible for increased grant funding from the reserve set aside for small communities proposing alternative to conventional wastewater handling systems. R indicates an eligible community of 3,500 people or less. D indicates eligibility of a sparsely populated area of a larger municipality.
<u>Innov Elig Cost</u> Altern Elig Cost	Innov Elig Cost - Projected portion of a project qualifying as innovative technology by EPA guidelines. Altern Elig Cost - Projected portion of a project qualifying as alternative technology by EPA guidelines.
Total Eligible Cost	Projected costs eligible for EPA grant participation.
Est EPA Assist	Estimated amount of EPA grant assistance required for the project.
Elig Cost by Needs Cat	Category: I - Secondary Treatment II - More Stringent Treatment IIIA - Infiltration/Inflow Correction IIIB - Major Sewer System Rehabilitation IVA - New Collectors and Appurtenances IVB - New Interceptors and Appurtenances V - Correction of Combined Sewer Overflows
Enf Req	Enforceable requirement to be satisfied by the project: A - Project satisfies the conditions or limitations of a Section 402 or 404 permit which, if violated, would result in the issuance of a compliance order or initiation of a civil or criminal action under Section 309 of the Clean Water Act. B - Permit has not been issued, but project satisfies a condition or limitation which would be included in the permit when issued. C - Permit is not applicable but project satisfies a requirement anticipated to be necessary to meet applicable criteria for best practicable waste treatment technology. D - Project does not meet an enforceable requirement of the Act. Y - The project, in its entirety, satisfies the enforceable requirements of the Act for the condition stated in the preceding character position. P - Portions of the project do not satisfy the enforceable requirement of the condition stated in the preceding character position.

A:FY89.C

FISCAL YEAR 1990

CONSTRUCTION GRANTS STATE PROJECT PRIORITY LIST

State: Iowa
EPA Region: 07

Page 1 of 9

Priority Rank (59) Priority Points (B6)	Applicant Legal Name County Name Street Address City, State Zip Code (12, 15, 51, 14, 13, 52)	Permit Number (C2) Auth/Fac. No. (32)	Grant Number Parent Project (B2)	Project Number (02, 01, 54) 03 - 0	Step (87) Type (04)	St Cert (A5)	Proj Desc (20)	Sml Comm (33)	Innov Elig Cost (Y7) Comm Altern Elig Cost (Y8)	Total Eligible Cost (29)	Est EPA Assist (19)	Elig Cost by Needs Cat (Y0-Y6)	Enf Reg
0025 650.24	City of Des Moines Polk County East First & Locust Des Moines IA 50307	IA7727001 MULTIPLES	C190709 10	C190709 58	3 C	F 890509	I Westside Phase 4 Seg 1			8,521,100	6,390,820	IVB 8,521,100 AY	
0030 650.24	City of Des Moines Polk County East First & Locust Des Moines IA 50307	IA7727001 MULTIPLES	C190709 10	C190709 59	3 C	F 890601	I Phase 5 Seg 4C			2,446,600	1,834,950	IVB 2,446,600 AY	
0040 650.24	City of Des Moines Polk County East First & Locust Des Moines IA 50307	IA7727001 MULTIPLES	C190709 10	C190709 60	3 C	F 890601	I Phase 5 Seg 2&3			1,932,700	1,449,520	IVB 1,932,700 AY	
0050 650.24	City of Des Moines Polk County East First & Locust Des Moines IA 50307	IA7727001 MULTIPLES	C190709 10	C190709 61	3 C	P 890831	I Phase 5 Seg 4D			3,000,000	2,250,000	IVB 3,000,000 AY	
0060 650.24	City of Des Moines Polk County East First & Locust Des Moines IA 50307	IA7727001 MULTIPLES	C190709 10	C190709 62	3 C	P 891231	I Phase 5 Seg 4A & 4B			4,573,800	3,430,350	IVB 4,573,800 AY	
0070 650.24	City of Ankeny Polk County 211 SW Walnut Ankeny IA 50021	IA7709001 MULTIPLES	C190709 10	C190790 09	3 C	P 891231	I Northwest			2,390,000	1,792,500	IVB 2,390,000 AY	

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Priority Rank (59) Priority Points (88)	Applicant Legal Name County Name Street Address City, State Zip Code (12, 15, 51, 14, 13, 52)	Permit Number (62) Auth/Fac. No. (32)	Grant Number Parent Project (B2)	Project Number (02, 01, 54) Type (04)	Step (87)	St Cert (A5)	Proj Desc (20)	Innov Elig Cost (Y7) Comm Altern Elig Cost (Y8)	Total Eligible Cost (29)	Est EPA Assist (19)	Elig Cost by Needs Cat (Y0-Y6)	Enf Reg
0080 650.24	City of Ankeny Polk County 211 SW Walnut Ankeny IA 50021	IA7709001 MULTIPLES	C190709 10	C190790 10	3 C	P 900331	T Phase 3		3,140,000	2,355,000	I 3,140,000	AY
0165 708.58	City of Ames Story County 621 Main Street Ames IA 50010	IA8503001 190023001	C190736 01	C190736 06 Amend 5	3 C	P 890630	T	3,135,000 3,164,000				AY
0190 254.28	City of Marshalltown 24 N Center Street Marshalltown IA 50158	IA6469001 MULTIPLES	C190746 01	C190746 04	3 C	P 890831	T		4,300,000	2,365,000	I 2,150,000 II 2,150,000	AY
0200 254.11	City of Nevada 1209 6th Street Nevada IA 50201	IA8562001 190603001	C190845 01	C190845 04	4 C	P 890831	T		1,920,000	1,056,000	I 1,920,000	AY
0210 190.88	City of Iowa Falls Hardin County 315 Stevens Street Iowa Falls IA 50126	IA4260001 190410001	C190753 01	C190753 02	4 C	P 900630	IT		792,000	435,600	I 678,900 IVB 113,100	AY
0220 147.27	City of Winterset Madison County 101 E Jefferson Winterset IA 50273	IA6171001 190934001	C190743 01	C190743 02	4 C	P 900630	IT Rehab		1,792,000	985,600	I 987,000 IIIA 200,000 IVB 605,000	AY

CONSTRUCTION GRANTS STATE PROJECT PRIORITY LIST

State: Iowa
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Priority Rank (59) Priority Points (88)	Applicant Legal Name County Name Street Address City, State Zip Code (12, 15, 51, 14, 13, 52)	Permit Number (C2) Auth/Fac. No. (32)	Grant Number Parent Project (B2)	Project Number (02, 01, 54) 03 - 0	Step (87) Type (04)	St Cert (A5)	Proj Desc (20)	Sal Comm (33)	Innov Elig Cost (Y7) Alt/term Elig Cost (Y8)	Total Eligible Cost (29)	Est EPA Assist (19)	Elig Cost by Needs Cat (Y0-Y6)	Enf Reg
0730 2.10	City of West Chester Washington County Box 115 West Chester IA 52359	UNSEWERED NO NUMBER	C191235 01	C191235 02	4 C	P 900831	T Coll	R	200,000 197,000	711,000	391,050	I 291,500 BY IVA 419,500 D	
0840 1.50	City of Harvey Marion County Main Street Harvey IA 50119	UNSEWERED 191029001		C191308 01	4 N	P 890831	T Coll	R	177,550 307,450	612,500	336,870	I 199,000 BY IVA 413,500 D	
1325 .226	City of Laurel Marshall County P O Box 126 Laurel IA 50141	UNSEWERED 190461001		C191045 01	4 N	P 900630	T Coll	R		833,100	391,050	I 383,200 BY IVA 449,900 D	
1400 .162	City of Cumming Warren County City Hall Cumming IA 50061	UNSEWERED 190198001		C191273 01	4 N	P 890831	T Coll	R	209,800	265,000	145,750	I 78,000 BY IVA 187,000 D	
1410 .154	City of St Marys Warren County City Hall St Marys IA 50241	UNSEWERED 190768001		C191029 01	4 N	P 890831	T Coll	R	111,500 166,000	537,600	295,680	I 206,700 BY IVA 330,900 D	
1420 .150	City of Portsmouth Shelby County Portsmouth IA 51565	UNSEWERED 190604001	C190994 01	C190994 02	4 C	P 900831	T Coll	R	620,450	719,600	395,780	I 178,900 BY IVA 540,700 D	

FY 1990 FUNDABLE LIST SUMMARY OF FUNDS

1. Estimated EPA Assistance Required

A. Estimated assistance for projects on fundable list				\$26,368,670
B. Designated reserve for grant increases				3,640,519
C. Reserve for grant increases for alternative technology				442,043
D. Reserve for grant increases for innovative technology				
	FY 1988 Allotment	\$ 89,862		
	FY 1989 Allotment	\$ 63,149		
	FY 1990 Allotment	\$ 63,149		216,160
E. Reserve for state management assistance 205(g)				
	FY 1988 Allotment	\$ 657,024		
	FY 1989 Allotment	\$ 657,024		
	FY 1990 Allotment	\$ 657,024		1,314,078
F. Reserve for water quality management 205(j)(1)				
	FY 1988 Allotment	\$ 310,850		
	FY 1989 Allotment	\$ 126,298		
	FY 1990 Allotment	\$ 126,298		563,446
G. Reserve for non-point source management 205(j)(5)				
	FY 1988 Allotment	\$ 310,850		
	FY 1989 Allotment	\$ 126,298		
	FY 1990 Allotment	\$ 126,298		563,446
H. Reserve for advances of allowances (no need projected for FY 1989)				
Total grant needs				\$33,108,332

II. FY 90 Non-additive Set-Aside Reserve Funds

A. Reserve for alternative systems for small communities	\$ 505,192
B. Quota for unsewered communities	\$ 631,490

III. Available Funds

A. FY 72-87 Carryover	(5/01/89)	\$ 827,741
B. ICA Reallotment		5,821,838
C. FY 1988 Allotment Balance	(5/01/89)	1,641,796
D. FY 1989 Allotment	(5/01/89)	12,187,757
E. FY 1990 Allotment Assumption		12,629,800
		\$33,108,332

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CONSTRUCTION GRANTS STATE PROJECT PRIORITY LIST

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Priority Rank (59)	Applicant Legal Name County Name Street Address City, State Zip Code (12, 15, 51, 14, 13, 52)	Permit Number (C2) Auth/Fac. No. (32)	Grant Number Parent Project (B2)	Project Number (02, 01, 54) 03 - 0	Step (87) Type (04)	St Cert (A5)	Proj Desc (20)	Sal Comm (33)	Innov Elig Cost (Y7) Altern Elig Cost (Y8)	Total Eligible Cost (29)	Est EPA Assist (19)	Elig Cost by Needs Cat (Y0-Y6)	Enf Reg
0090 650.24	City of Des Moines Polk County East First & Locust Des Moines IA 50307	IA7727001 MULTIPLES	C190709 10	C190709 63	3 C		I Pleasant Hill Phase 9			3,538,100	2,653,570	IVB 3,538,100	AY
0100 650.24	City of Des Moines Polk County East First & Locust Des Moines IA 50307	IA7727001 MULTIPLES	C190709 10	C190709 64	3 C		I Fourmile Phase 8			3,741,400	2,806,050	IVB 3,741,400	AY
0110 650.24	City of Des Moines Polk County East First & Locust Des Moines IA 50307	IA7727001 MULTIPLES	C190709 10	C190709 65	3 C		I So Tier Phase 10 Segment 5			3,100,000	2,325,000	I 3,100,000	AY
0120 650.24	City of Des Moines Polk County East First & Locust Des Moines IA 50307	IA7727001 MULTIPLES	C190709 10	C190709 66	3 C		I Westside M Br FM Phase 5			2,200,000	1,650,000	IVB 2,200,000	AY
0130 650.24	City of Des Moines Polk County East First & Locust Des Moines IA 50307	IA7727001 MULTIPLES	C190709 10	C190709 67	3 C		I Saylor Creek Phase 7			2,900,000	2,175,000	IVB 2,900,000	AY
0140 650.24	City of Des Moines Polk County East First & Locust Des Moines IA 50307	IA7727001 MULTIPLES	C190709 10	C190709 68	3 C		I Beaver Creek Phase 6			2,038,000	1,528,500	IVB 2,038,000	AY

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CONSTRUCTION GRANTS STATE PROJECT PRIORITY LIST

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Priority Rank (59) Priority Points (BB)	Applicant Legal Name County Name Street Address City, State Zip Code (12, 15, 51, 14, 13, 52)	Permit Number (C2) Auth/Fac. No. (32)	Grant Number Parent Project (B2)	Project Number (02, 01, 54) 03 - 0	Step (87) Type (04)	St Cert (A5)	Proj Desc (20)	Improv Elig Cost (Y7) Comm Altern Elig Cost (Y8)	Total Eligible Cost (29)	Est EPA Assist (19)	Elig Cost by Needs Cat (Y0-Y6)	Enf Reg
0150 650.24	City of Des Moines Polk County East First & Locust Des Moines IA 50307	IA7727001 MULTIPLES	C190709 10	C190709 69	3 C		I So Tier Phase 10 Seg 3,4		2,200,000	1,650,000	IVB 2,200,000	AY
0160 650.24	City of Des Moines Polk County East First & Locust Des Moines IA 50307	IA7727001 MULTIPLES	C190709 10	C190709 70	3 C		I HH/So Tier Phase 10 Seg 1,2B		400,000	300,000	IVB 400,000	AY

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CONSTRUCTION GRANTS STATE PROJECT PRIORITY LIST
DISCHARGER RANKING

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Points	Project	Points	Project	Points	Project	Points	Project
		29.26	Sully	8.44	Lamoni	3.35	Ferguson *
		23.97	Stacyville	8.40	Jesup	3.25	Graettinger
136.09	Hampton	18.96	Victor	8.38	West Point	3.19	Clear Lake SSD
130.76	Edgewood	18.80	Colfax	8.24	Danville	3.02	Bennett
123.58	Fort Dodge	18.73	Sumner	7.59	Blairstown	2.94	Ananosa
119.41	Albia	17.90	Corning	7.56	Anita	2.75	Low Moor
105.71	Washington	17.71	Dyersville	7.06	Dunlap	2.51	Preston
69.06	Oskaloosa	16.60	Dows	7.05	Dumont	2.50	Lake Park
55.63	Coralville	14.53	Conrad	6.72	Grinnell	2.16	Fort Atkinson *
				6.61	Bussey *		
43.37	Adel	12.82	Wheatland	6.60	Marengo		
				5.88	Deep River *		
41.26	Durant	12.09	Onawa	5.18	Wyoming	1.99	Milo
36.14	Cedar Falls	11.16	Goldfield	4.73	Denver	1.81	Decatur City *
36.36	Humboldt	10.92	Martensdale	4.05	Kiron	1.77	Fenton *
36.08	Waterloo	10.79	Woodbine	4.02	Oakland	1.75	Madrid
35.95	Gladbrook	9.96	Missouri Valley	3.93	Wellman	1.75	Joice *
30.23	Carlisle	9.78	Ely	3.60	Millersburg *	1.68	Haverhill *

* Unsewered Community

FISCAL YEAR 1990

CONSTRUCTION GRANTS STATE PROJECT PRIORITY LIST
DISCHARGER RANKING

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Points	Project	Points	Project	Points	Project	Points	Project
1.65	Lone Rock *	.941	Colo	.566	Lincoln	.321	Masonville *
1.58	Moorland *	.908	Scranton	.545	Albion	.294	Adair
1.57	Monticello	.862	Lake View	.541	Grand Junction	.278	Grand Mound
1.54	Luxemburg *	.847	Maysville *	.513	Havelock *	.226	Spragueville
1.49	Calmar	.812	Van Horne	.507	Russell	.224	Hawkeye
1.47	Williamsburg	.782	Promise City *	.464	Marne *	.217	Shanbaugh
1.42	Griswold	.769	St Anthony	.462	Rose Hill *	.215	Persia *
1.37	Palmer *	.724	Alta Vista	.452	Swaledale *	.198	Farnhamville
1.34	Evansdale	.714	Oran SSD *	.429	Hedrick	.195	Winthrop
1.24	Marcus	.643	Riverton *	.419	Le Grand	.187	Lawton
1.16	Bouton *	.633	Webb *	.416	Peosta *	.168	Exline *
1.05	Numa *	.611	Center Point	.397	Essex		
.988	Lucas *	.610	Williamson *	.391	Grant *	.150	Ossian
.966	Melrose *	.580	Graf *	.390	East Peru *	.148	Gruver *
.965	Earlham	.578	Larchwood	.368	Hastings *	.120	Spring Hill *
.953	Walnut	.574	State Center	.358	Ayrshire *	.099	Lehigh

* Unsewered Community

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CONSTRUCTION GRANTS STATE PROJECT PRIORITY LIST
DISCHARGER RANKING

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Points	Project	Points	Project	Points	Project	Points	Project
.098	Readlyn	.052	Larrabee	.018	Palo	.001	Eldon
.083	Stanhope	.052	Ollie *	.016	Farragut	.003	Moriey *
.078	Maple Heights SSD *	.045	Little Sioux *	.014	Pleasanton *	.000	Mondamin
.077	McClusland	.042	Clarence	.010	New Liberty *	.000	Leland
.072	Donahue	.038	Shellsburg	.007	Kirkville *	.000	Newhall
.066	Keota	.038	Dexter	.007	Bellevue	.000	Whittier SSD *
.064	Millerton *	.035	Wapello	.006	Redfield		
.062	Lockridge *	.025	Atkins	.006	Alleman *		
.060	Monroe	.025	Ireton	.005	Slater		
.055	Denmark SSD *	.022	Oyens	.001	Harpers Perry *		

* Unsewered Community

June 1989

Environmental Protection Commission Minutes

Mr. Stokes explained the Construction Grant Priority List and the Fundable Project Summary in detail. He noted that it will be brought before the Commission next month for approval to take it to public hearing, and will be brought back in August for final approval.

This was an informational item; no action was required.

RECESS

Chairperson Mohr recessed the meeting at 5:45 p.m., Monday, June 19, 1989.

MEETING RECONVENES 8:30 A.M., TUESDAY, JUNE 20, 1989

FINAL RULE--CHAPTER 133, GENERAL GUIDELINES FOR DETERMINING
CLEANUP ACTIONS AND RESPONSIBLE PARTIES

James Combs, Division Administrator, Coordination and Information Division, presented the following item.

The Commission is requested to adopt final rules on the above subject. Attached is a summary of comments, with proposed responses; copies of the written comments received; and a copy of proposed final rules, showing changes from the notice of intended action which we propose to be made in response to public comments. The Code requires the Commission to adopt rules on this subject by July 1, 1989.

(Proposed final rules and comments shown on following 41 pages)

IOWA DEPARTMENT OF NATURAL RESOURCES
Government Liaison Bureau

DATE: June 6, 1989
TO: Environmental Protection Commission
FROM: Michael P. Murphy
SUBJECT: Groundwater Cleanup/Responsible Parties Rule Proposal - Summary and Response to Public Comments

SUMMARY OF PROCEEDINGS

Notice of Intended Action on proposed rules on this subject was published on March 22, 1989, six public hearings were held throughout the State between April 11 and April 26, 1989, and written comments were received from the following:

1. Monsanto (Muscatine) - April 18, 1989.
2. Iowa Public Service Company - April 18 and May 2, 1989.
3. Iowa Association of Business and Industry - April 24, 1989.
4. CIBA-GEIGY Corporation - April 27, 1989.
5. Sierra Club (Iowa Chapter) - May 3, 1989.
6. Monsanto (St. Louis) - May 4, 1989.
7. Iowa Attorney General - May 5, 1989.

This summary of comments and staff response is presented to the Commission for purposes of adoption of final rules on this subject, which is required by July 1, 1989. The specific comments are attached for your reference. This memo attempts to summarize the overall content of these comments, in the order that they relate to the rule proposal, from beginning to end. The numbers in parentheses after the comments refer to the corresponding commentor, above.

I. GENERAL SUPPORT FOR THE PROPOSAL

Commentors: (2, 5, 6)

Reponse: The support is appreciated. No changes are necessary in response to this comment.

II. GUIDELINES vs. RULES

Commentors: (7) commented strongly that the various references to "guidelines" should be deleted, and that it should be made

clear that these are enforceable rules. (3) commented strongly that these should not be published as rules, and that it should be made clear that these are unenforceable guidelines.

Response: Iowa Code section 455E.5(5) requires the department, by July 1, 1989, to "adopt rules which specify the general guidelines for determining the cleanup actions necessary to meet the goals of the state and the general procedures for determining the parties responsible...." (emphasis added). Clearly we have to adopt these as rules. The staff included "guideline" language for two reasons. First, and primarily, we want to avoid the implication that groundwater cleanup guidelines constitute groundwater quality standards. Second, because the rules cover such a wide variety of situations, they are necessarily worded quite generally. It is our intent that they be legally enforceable as to responsible parties, and that they not hinder the department in responding to groundwater contamination situations that require prompt remedial action. We agree with the Attorney General that the various references to "guidelines" throughout may actually detract from the enforceability of the rules, and therefore recommend the following changes:

- a. Rename the chapter "Rules for Determining Cleanup Actions and Responsible Parties."
- b. Delete the last sentence of 133.1(1).
- c. Delete "are general guidelines and" from the first sentence of 133.1(3).

We do not recommend deleting the third sentence of 133.1(1) as suggested, since the rules are specifically designed to address groundwater issues and may or may not be useful in addressing other types of problems.

III. PUT "POINT SOURCE" LANGUAGE IN THE RULES

Commentors: (1, 6) It is pointed out that only the preamble limits these rules to "point source" contamination, and the rules themselves should be clarified.

Response: We agree with this comment. The following additions should be made to the rules:

- a. 133.1(1) - Add, "These rules apply specifically to point source contamination only."
- b. 133.2 - Add a definition for "point source", as follows:

"Point source" means any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or any site or area where a contaminant has been deposited,

stored, disposed of, or placed, or otherwise come to be located.

IV. DELETE 133.1(3)

Commentor: (6) argues that this subrule is inconsistent with 133.1(2).

Response: We disagree. There is no inconsistency. This rule adds further clarification of the intent and meaning of this whole chapter. We want to make it clear that we will have flexibility in dealing with situations and that each situation may have site-specific characteristics that demand special consideration.

V. DELETE "QUALITY OF LIFE" LANGUAGE

Commentors: (1, 6) argue that this language in 133.1(3) and in the definition of "significant risk" in 133.2, is undefineable and judgmental.

Response: The General Assembly apparently felt this language was important enough to put into the Iowa Code, in its directive to us {455E.5(5)}, therefore we think it should be in the rules.

VI. DELETE REFERENCE TO "SYNERGISTIC...EFFECTS"

Commentor: (1) argues that there is no scientific basis for this language in 133.1(3).

Response: There certainly is scientific basis for being concerned about synergistic, antagonistic, and cumulative effects of chemicals, for example in the pharmaceutical field. Scientific information in this area is expected to continue to develop, and the department should have the ability to use it - it would be imprudent and inconsistent with the purposes of the Groundwater Protection Act to ignore these considerations. In a particular case where we may apply these considerations, we will have the burden of providing technical justification.

VII. COMMENTS ON THE STANDARDS THEMSELVES

1. USE THE MCL ONLY, OR PRIOR TO THE HAL

Commentors: (1, 3, 4, 6) Generally these commentors felt that the MCL is the appropriate cleanup goal, as well as the trigger level for action. Use of the HAL was specifically criticized. (1) suggested use of draft EPA guidelines as action levels.

Response: This is a continuation of the debate that we felt was resolved in submission of the Groundwater Standards Report. MCLs are not promulgated for many constituents, and

are arrived at through a process that considers non-health related factors as well as health related factors, for the drinking water program. They do not necessarily further all of the goals of the groundwater protection act. In particular, use of the MCL as an action level would be contrary to the major goal of preventing groundwater contamination to the maximum extent practical. We feel the references to HAL, NRL, and MCL as proposed provide the most comprehensive, widely accepted, and protective guidelines, consistent with the Act and the prior findings of this Commission.

2. ADOPT NUMERICAL STANDARDS; TIGHTEN UP CASE-BY-CASE PROCEDURES

Commentors: (4, 6) See letters.

Response: These proposals would hamstring the department's efforts to expeditiously deal with contamination situations, and fail to recognize the continuing changes in development of these guidelines by EPA. If we adopted a laundry list of contaminants and associated numbers for HALs, NRL, and MCLs, we would have to come back to the Commission repeatedly to revise the list and numbers. Similarly, the procedures suggested for arriving at a guideline where none currently exists, would take months or even years, while contamination continued. We feel that reference to general guidelines that are established and recognized nationally, with general criteria for making case-by-case decisions, provides sufficient information and allows the department to take prompt action.

3. QUESTION USE OR MEANING OF NRL

Commentors: (4, 6, 7) (4) felt the NRL (negligible risk level) terminology was not useful as it is seldom used due to EPA's use of MCLGs, which are "0" for carcinogens. (6) felt that the NRL should be defined as in the range of 10^{-5} to 10^{-6} , rather than 10^{-6} . (7) also asked for clarification of the 10^{-6} terminology.

Response: An option would be to use the MCLG, or "0", for carcinogens, rather than the NRL. The NRL is an effort by EPA to define risk levels, and the terminology fits right in with our endeavor in these rules to define "significant risk". We feel the one in a million lifetime exposure level is the appropriate level, and provides a guideline somewhat less stringent than "0". Defining it as a range would further complicate an already quite complicated area, and would provide less guidance (therefore more delay in cleanup). We propose to clarify the definition of NRL as follows:

"NRL" means the negligible risk level $\{1 \times 10^{-6}\}$ ----

for carcinogens established by the EPA, which is an estimate of one additional cancer case per million people exposed over a lifetime to the contaminant (1×10^{-6}).

VIII. DEFINITION OF AGGRAVATED RISK

Commentor: (1) Suggested adding language to the second sentence to clarify its meaning.

Response: We feel the language is clear as stated. The second sentence is merely giving examples of what is defined in the first sentence, and the two have to be read together.

IX. DEFINITION OF CONTAMINANT OR CONTAMINATION

Commentors: (4) suggests that "contamination" be limited to situations that present significant or aggravated risk. (7) suggests that the definition of contaminant be clarified.

Response: The first suggestion is contrary to the statute and the intent of these rules. Contamination is defined in the Code, without reference to risk. The rules attempt to define two levels of contamination, significant risk and aggravated risk, at which specific response actions will be taken. The clear implication is that contamination may exist at levels less than significant risk, at which cleanup actions may not be required. That is exactly what the Code directive to adopt rules on this subject told us to do.

The second suggestion has merit. We recommend placing a comma after the first sentence, followed by the word "and", and deletion of the second word "Contaminant".

X. ADD A DEFINITION FOR "FACILITY"

Commentor: (2)

Response: This suggestion has been incorporated into the proposed definition of "point source".

XI. DEFINITION OF PREVENTION

Commentor: (4) suggests that this term should be defined to be prospective rather than reactive.

Response: Nothing in these rules is intended to detract from the statutory policy of preventing contamination from occurring in the first place. However, the context of these rules is clearly that of reacting to contamination after it has occurred. Thus use of this term in these rules is intended to apply only to prevention of further contamination. Again, nothing in these rules should be construed to detract from true prevention.

XII. DEFINITION OF RESPONSIBLE PERSON

Commentor: (3) suggests that certain exceptions, such as Act of God, third party cause, or innocent landowner, be built into the definition.

Response: Such defenses may be available under certain laws, and as such are already built into the definition. However, they may not apply in certain situations, and therefore should not be broadened by putting them in the definition as applicable to all situations.

Commentor: (7) suggests wording changes which that office feels would enhance the enforcement of the environmental laws and make this definition more consistent.

Response: We agree with these comments and recommend the following revisions:

"Responsible person" means any person who is legally liable for the contamination in question or who is legally responsible for abating a condition of contamination under any applicable law, including Iowa Code chapters 455B and 455E, and the common law. This may include the person causing, allowing or otherwise participating in the activities or events which cause the contamination, persons who have failed to conduct their activities so as to prevent the release of contaminants into groundwater, property owners who are obligated to abate a condition, or persons responsible for or successor to such persons.

XIII. DEFINITION OF SIGNIFICANT RISK

Commentor: (3) contends the definition is too broad, and that the use of the particular aquifer and potential exposure to humans, as well as the effect of nonpoint source contamination, should be considered.

Response: This would be contrary to the groundwater protection goal (IC 455E.4) to protect all groundwater from any contamination, regardless of source or present condition, use or characteristics of the aquifer. Protection of humans is not the sole policy of the law. This suggestion is also inconsistent with the recommendations of this Commission in the Standards Report.

Commentor: (6) suggests the terminology "significant risk" should be changed to "actionable risk".

Response: The terminology is that used in the Code, so we feel it should be used here.

Commentor: (7) suggests rewording of numbered paragraph 3 of this definition, to make it more consistent with the language used in the rest of the rules.

Response: We agree with the suggestion and propose the paragraph be changed to read as follows:

"3) the presence of a contaminant or contaminants in the groundwater, or in the soils, surface water or other environment in proximity of groundwater which may be expected to contaminate groundwater, in quantities, concentrations, or combinations which may significantly adversely impact the public health" (no change in rest of paragraph)

XIV. SAMPLING/ANALYTICAL PROCEDURES {133.3(1)}

Commentor: (3) requests that until the department adopts rules for certifying laboratories, we drop the language requiring laboratories to certify that the appropriate analytical procedures were utilized.

Response: We feel our proposal is a reasonable and uncomplicated way to handle quality assurance. At such time as the department has a comprehensive lab certification program, analyses will have to be done at certified labs. Until that time, we are only requiring that whoever does the analyses certify (i.e., include a written statement) that the proper analytical procedures were followed.

Commentor: (7) asks for clarification as to whether the referenced analytical procedures apply to water samples as well as solid waste sample.

Response: We have consulted technical staff and are assured that in spite of the name of the referenced document, the procedures do apply to water samples.

Commentor: The Code Editor requested that document referenced in 133.3(1)"b" include a specific date.

Response: Substitute "Third Edition, November 1986, as revised through December 1988" for "most recent edition".

XV. DETERMINATION OF CONTAMINATION {133.3(2)}

Commentor: (3) requests that the term "quantity" be better defined, so that every minor spill would not be included.

Response: We feel the entire context of this statement provides sufficient guidance, but would not be opposed to adding the word "significant" before "quantity".

XVI. DETERMINATION OF RESPONSIBLE PERSONS {133.3(4)}

Commentors: (7) suggests that this rule should be better written to describe a procedure for determining responsible persons. In a related comment, (2) asserts that the

department should be required to identify and notify each and every responsible party at a site, and sanctions should be imposed on those that don't voluntarily cooperate in the cleanup. (5) questions whether this rule adequately assures that potentially responsible persons will conduct an adequate investigation, when it may incriminate them.

Response: We agree that the rule could better describe a procedure, although we do feel that the entire subrule, 133.3(3), is a procedure. We also agree that some effort should be made to notify and involve as many potentially responsible persons as is feasible, but we strongly resist any procedures that would handcuff the department in making progress on cleanup. We have had many cases in the past where more than one potentially responsible party is involved, and more time is spent with them pointing the finger at each other, while the contamination situation persists. We need the flexibility to name one or more out of what may be a countless list of possible responsible parties, and get cases resolved. The person or persons named can assert whatever legal claims they may have against others, in a different context. We also agree that the rules should better assure an adequate investigation by potentially responsible persons. We recommend that the proposed subrule be revised as follows:

133.3(4) Determination of responsible persons. Where a source or likely source of contamination is identified, the person or persons responsible for that source or sources shall conduct necessary preventative, investigatory, and remedial actions.

a. Identification. The persons responsible or potentially responsible initially shall be identified by the department through such measures as on-site observations; interviews with witnesses and local officials; review of public records, including department files; and interviews with or information obtained from potentially responsible persons. Where there may be more than one source, or the source is otherwise not conclusively identified, persons in the vicinity of the contamination who handle or have handled materials or wastes in the vicinity of the contamination, which could be the source, shall investigate and provide information satisfactory to the department to confirm or disaffirm that their activities are a source of the contamination. Investigation by the responsible or potentially responsible person may include inspection of inventory or other records, and soil and groundwater monitoring to better define the source. Such monitoring shall conform to the requirements of 133.4(3)"a", provided that a full-scale assessment may not be required for this purpose. In all cases, all owners of property on or over which a source of con-

tamination is determined may be responsible for preventative, investigatory and remedial measures.

b. Notification. The department shall notify in writing the persons determined responsible under the above procedures, and include a brief statement of the facts upon which the department concluded that they are responsible, and the actions required; provided that where immediate action is necessary, verbal notification may be given, followed up with written notification. The persons notified may provide information disputing or supplementing the information relied on by the department, which shall be considered by the department.

c. Responsible persons may be jointly and severally liable, and the department is not required to name all potentially responsible parties in directing responsive actions to contamination.

XVII. CLARIFY "ACTIVE SOURCE" IN 133.4(1)

Commentors: (1, 7) (1) feels the first sentence of this subrule is inappropriate, because most sources of groundwater contamination will be inactive sources such as old landfills. (7) felt there should be a definition of active source.

Response: The intent of this subrule is to address those instances where a current, active source, such as a leaking storage tank, or some ongoing practice, such as a rinsing out pesticide tanks near a sinkhole is adding to the problem and can be readily stopped or contained. While the word "active" seems to convey this meaning, we suggest the following wording may clarify the intent: Add "such as a leaking tank or current practices, which may be readily corrected" after the second line of this subrule.

XVIII. AGGRAVATED RISK {133.4(2)}

Commentor: (7) suggests that the language of the introductory sentence be clarified to make it clear that expedited actions include preventative measures too.

Response: The language suggested should be incorporated.

XIX. SITE INVESTIGATION {133.4(3)"a"}

Commentor: (3) The 45 day requirement for submission of a site assessment plan is not reasonable.

Response: This rule makes provision for a shorter period of time being required or a longer period of time being allowed. The contents of a site assessment plan are fairly standard and 45 days is a good norm, in our experience. We recommend no changes.

Commentor: (2) Qualified personnel other than engineers and hydrogeologists should be authorized to conduct site investigations. This commentor suggests we allow the responsible party

to identify who is supervising and conducting the investigation and we could disapprove the plan if we do not feel the person is qualified.

Response: Amend to read "...conducted by a under the supervision of a registered professional engineer or other, an expert in the field of hydrogeology, or other qualified person."

XX. CLEANUP ACTIONS {133.4(3)"b"}

Commentor: (5) Concern is expressed with use of the terms "practical" and "impractical" as they might be used to lessen the level of cleanup required.

Response: We concede that these terms leave a lot of room for interpretation on a case-by-case basis, but feel this is the only appropriate way to handle the issue of when some leeway from the cleanup standards might reasonably be granted. Terms such as "practical" and "reasonable" are commonly used in the law, including the Constitution, statutes, and rules, for situations where it is not feasible to identify specific criteria which would apply in every case which might arise. It is left to the sound discretion of the department, in the first instance, and the Commission and courts thereafter, to determine what is reasonable in each case. We do know from experience that it may be impractical if not impossible to meet the cleanup goal in every case, and alternative measures have to be allowed in order to obtain a reasonable level of environmental protection.

XXI. SOILS CLEANUP {133.4(3)"b"(2)}

Commentor: (7) notes the "imminent and likely" language, which appears to be a different, more stringent standard than is used throughout the rules in connection with the threat of groundwater contamination from contaminated soils.

Response: This meaning was unintended, and the words "imminent and" should be deleted.

XXII. CLEANUP SHOULD BE INCREMENTAL {133.4(3)}

Commentor: (6) feels that implementation of cleanup measures should follow an incremental approach - try a lesser restrictive or onerous measure, see if it works, if not implement other measures, and so on until the desired level of cleanup is reached.

Response: To some extent this may be allowable and desirable. There is nothing precluding this approach being recommended in the remedial action plan. However, we are constrained by the statutory language that best available technology and best management practices shall be utilized when significant risk is documented. Thus the rule requires this. If this technology results in a greater level of cleanup than the standard required, there is nothing wrong with this - it would be entirely consistent with the Groundwater Protection Act. Rather than encourage a tiered approach through the rules, we recommend that the rules

more closely follow the legislative language, and let the investigations, remedial action plans, and department reviews determine the proper cleanup measures, which may include an incremental approach.

XXIII. NONSIGNIFICANT RISK {133.4(4)}

Commentors: (2) felt this subrule should be deleted, since it would require active management of a site after significant risk is abated. (4) supported more specific rules on this subject, requiring more documentation, and response to trends showing an increase in contamination.

Response: This subrule is designed to cover situations where contamination is documented but has not yet reached the level of significant risk, and where contamination has been reduced to nonsignificant levels through cleanup actions. In both situations it may be appropriate to monitor the situation for a period of time to document trends, and to implement appropriate management practices to avoid further contamination and allow passive cleanup. Where a responsible party is identified, it should be this person or persons who implements appropriate requirements. The suggestions for more detail in these rules are more in line with the Standards Report recommendation regarding nonpoint source contamination. Some of the suggestions may apply to other situations, for example education, but these could logically be implemented without being required by rule. One implication of the suggestions is that the department has to document an increasing trend in contamination from a point source before we could even require such things as monitoring and preventative measures by a responsible party. This is rejected.

XXIV. OTHER

1. ADVISORY BOARD/MEDIATION

Commentor: (2) suggests that the Commission appoint an advisory group to assist the department in implementing these matters and mediating dispute resolution.

Response: This would appear to be one more layer of bureaucracy. We feel the existing mechanisms for dispute resolution are adequate.

2. ENCOURAGE DEVELOPMENT OF DISPOSAL SITES

Commentor: (2)

Response: While there is nothing wrong with this suggestion, and it is within the scope of the department's waste management authority division responsibilities, it is not something that can be part of these rules.

3. INCORPORATE CLEAN SITES RECOMMENDATIONS

Commentor: (2)

Response: There is no specific suggestion as to how these matters might be included in these rules.

ADDENDUM

One other written comment was received on May 24, 1989, from Iowa Power. They had three comments. The first related to use of the HAL, which is addressed above. The second relates to cleanup technologies and suggests evaluation of successes and cost-effectiveness must be included in a remedial action plan. Nothing in the rule prohibits a consultant or responsible person from including these factors in a plan. The successes of a technology obviously relate to what is "best", and costs would have some relationship to what is practical. However, we see no need for specific wording in the rules on this. The third comment seeks clarification that a "site assessment plan" may require some field investigation to develop. We agree with this and propose to add the following sentence at the end of this definition in 133.2:

"The plan development may require preliminary field investigations."

MM:ps

Monsanto

1

MONSANTO AGRICULTURAL COMPANY
P. O. Box 473
Muscatine, Iowa 52761
Phone: (319) 263-0093

April 18, 1989

Mr. Michael Murphy
Iowa Department of Natural Resources
Wallace State Office Building
Des Moines, Iowa 50319

Dear Mr. Murphy:

Monsanto operates a manufacturing plant in Muscatine which produces the Lasso® family of herbicides and ABS plastics. As a result of manufacturing practices 20 years ago, groundwater beneath the plant was contaminated. Monsanto has had an active groundwater monitoring program for 10 years and an active remediation program for five years. The plant is currently active in the RCRA corrective action process with the EPA; a copy of our corrective action submittal has been provided to the Iowa DNR.

I offer the following comments on the DNR's Notice of Intended Action on groundwater cleanup actions published in the Iowa Administrative Bulletin dated March 22, 1989. The following comments are strongly influenced by our experiences in addressing groundwater contamination for the past ten years.

1. Monsanto strongly disagrees with the use of lifetime health advisories for the standard of triggering a cleanup action. The EPA has drafted guidelines for levels of contaminants that should be used to trigger cleanup actions based on levels necessary to protect human health and the environment ("Corrective Action for Solid Waste Management Units at Hazardous Waste Management Facilities," September 12, 1988). These cleanup triggers are based on the RFD's for systemic toxicants and negligible risk calculations for suspect carcinogens. VII-1

The lifetime health advisories should also not be used as a cleanup target level. Where MCL's exist, they should be used as a cleanup target level. The MCL's have been conservatively established at the level that is safe for human consumption. Cleanup standards below this level are not necessary to protect human health and the environment.

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1

Mr. Michael Murphy
April 18, 1989
Page Two

2. The preamble to the rules clarifies that these rules specifically address cleanup guidelines for point source contamination only. This clarification is not stated in the rules. (III)

I recommend adding the following statement from the preamble to paragraph 133.1(1) to the rules: "These rules specifically address the cleanup guidelines as to point source contamination only."

3. The reference in 133.1(3) to protect "the quality of life" cannot be defined well enough to include in these rules for cleanup guidelines. The science is developing rapidly to define protection of human health, safety, and the environment; "quality of life" is a personal judgment and should not be included in these rules. The phrases should be deleted from paragraph 133.1(3) and the definition of "significant risk." (V)

4. I am not aware of any scientific assessment that allows for the determination of "synergistic, antagonistic, or cumulative effects" as referenced in paragraph 133.1(3). Until such scientific methods are developed this intent should be deleted from the rules. I recommend deleting the last sentence of paragraph of 133.1(3). (VI)

5. I recommend adding the phrase, "That present an immediate and significant threat of harm to human health or the environment" to the last sentence of the definition of aggravated risk. This may seem redundant, but the two sentences defining aggravated risk seem to conflict until the wording is closely studied; this phrase is suggested to help clarify this definition. (VIII)

6. The first sentence of paragraph 133.4(1) is inappropriate. I would estimate that most sources that are discovered will be contaminated soils, old landfills, or spill sites; in other words the source of contamination of the groundwater will be contaminated soil. I think I understand the intent of the statement, but I don't think it reflects the real world that the DNR will encounter when it starts to implement this rule. I recommend deleting paragraph 133.4(1). (XVII)

I hope these comments are helpful. Please call if you have questions.

Sincerely,

Tom Ward

Thomas J. Ward
Environmental Control
Superintendent

2

I. IPS supports the Guidelines which serve to create a procedure in Iowa, which will assist in the resolution of the problems of abandoned and other hazardous waste sites.

I

II. The first item proposed by the Guidelines allows the Director to identify one or more responsible party at each site. The Commission should encourage the Director to identify and notify each and every responsible party at a site, and the Director should then have authority to impose legal sanctions on any identified responsible party that fails to voluntarily participate in the development and implementation of a proposed Site Assessment Plan. If the Director focuses the clean-up obligation on a single responsible party at a site, to the exclusion of other similar or lesser, responsible parties, then a counter productive message will flow to parties that elect or are permitted to remain out of the cleanup process as outlined in the Guidelines. The Guidelines should allow for appropriate incentives to be provided by the Director to parties that are willing to assist in the clean up activity. Unfortunately, it does not appear that either incentives, or dis-incentives are now authorized in the Guidelines.

XVI

III. The next item to consider is what disposal options are available in Iowa for the destruction of hazardous wastes that are removed from a cleanup site. It is my understanding that the state of Iowa does not have any landfill which qualifies and is permitted to accept listed Superfund hazardous wastes, nor does Iowa have any incinerator that is authorized to burn such wastes.

XXIV-2

The incineration of Superfund hazardous wastes, or other wastes deemed hazardous by the Director, under controlled

(2)

conditions to assure destruction without impairment of air quality, within the state of Iowa, would greatly assist in the clean up of Iowa sites.

IPS suggests that the Commission encourage the development of new alternatives in the destruction or remediation of hazardous waste provided that adequate safeguards are employed to assure that the process is carried out in an enviromentally acceptable manner.

IV. IPS will furnish written comments concerning the proposed Guidelines directly to the Commission.

Thank you.



IOWA PUBLIC SERVICE COMPANY

P. O. BOX 778 SIOUX CITY, IOWA 51102

(2)

May 2, 1989

Mr. Michael Murphy
Government Liaison Bureau
Dept. of Natural Resources
Wallace State Office Bldg.
900 E. Grand Avenue
Des Moines, IA 50319-0034

RE: General Guidelines for Determining Cleanup Actions and
Responsible Parties

Dear Mr. Murphy:

Enclosed you will find the original plus two copies of the Statement of Position of Iowa Public Service Company, as submitted on behalf of its divisions, Midwest Gas and IPS Electric, concerning the above-captioned proposed rules of the Iowa Environmental Protection Commission. I have also enclosed three copies of the Clean Sites, Inc. report entitled "Making Superfund Work" which gives an overview to the progress and problems encountered in the federal program.

Please have one copy of the Statement (without the Clean Sites exhibit) file stamped and returned to my office in the enclosed self-addressed, stamped envelope.

Sincerely,


Gary E. Johnson
Senior Attorney

cmz

Enc.

STATE OF IOWA
BEFORE THE
ENVIRONMENTAL PROTECTION COMMISSION

IN RE: General Guidelines for Determining
Cleanup Actions and Responsible Parties

STATEMENT OF POSITION

COMES NOW, Iowa Public Service Company ("Company"), on behalf of its divisions IPS Electric and Midwest Gas, and submits for filing as follows:

1. The Company is a public utility as defined in Section 476.1, Code of Iowa (1985) and is engaged in the sale of electric energy in the states of Iowa and South Dakota and the sale of natural gas in the states of Iowa, South Dakota, Nebraska and Minnesota. Its corporate headquarters is located at 401 Douglas Street, Sioux City, Iowa. The Company had its origins in the Sioux City Gas Light Company, incorporated on January 20, 1872, and served approximately 60 customers by March, 1873. In 1988, IPS Electric provided electric energy to 155,000 customers in 228 Iowa and five South Dakota communities. Midwest Gas now serves 345,000 natural gas customers in 208 Iowa communities, and in 53 communities located in other states.

2. The Company has a corporate objective in all matters relating to the environment to act as a responsible and leading corporate citizen through its public utility operations to protect and improve the environment by furnishing clean, efficient and economical power and energy to its customers.

3. The Company submits its Statement of Position on the proposed Guidelines for Determining Cleanup Actions and Responsible Parties ("General Guidelines") pursuant to the Notice of Intended Action issued by the Environmental Protection Commission of the Department of Natural Resources at ARC 9745 of the Iowa Administrative Bulletin dated March 22, 1989.

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4. The Company supports the proposal adopting the General Guidelines as a new Chapter 133, and requests the Commission consider the following areas for further review and evaluation:

a. An expansive definition of the word "facility" would be of assistance to the Department in its determination of the likely source or sources of point contamination under proposed §133.3(3). The definition could be added to §133.2 and follow a similar definition as set out in 40 CFR §300.6 as follows:

IX

"Facility means any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel."

b. The Company agrees that the initial Site Assessment Plan should be written and carried out by qualified personnel. However, the requirement set out in §133.4(3) Investigation would restrict the development of the Site Assessment Plan to the direct control of either a registered professional engineer or other expert in the field of hydrogeology.

XIX

It is the duty and obligation of the responsible person to conduct necessary preventive, investigatory and remedial actions at the site (§133.3(4)). Accordingly, it appears inappropriate for the responsible party to be limited in their choice as to the development of the initial Site Assessment Plan, which in all events remains subject to the review and approval of the department (§133.4(3)).

The Company suggests that the Department allow the written Site Assessment Plan to be submitted by any responsible person, and that the response work to be conducted pursuant to the Site Assessment Plan be under the direction and

supervision of qualified personnel. The responsible party would notify the Department of the identity of the personnel to be used in carrying out the work under the Plan, and the Department would be authorized to disapprove the use of any contractor, subcontractor and/or supervisory personnel the Department considers to not be qualified to perform the work under the Site Assessment Plan, or any portion thereof.

This modification of the proposed rules could be provided by a restatement of the first sentence of the following section:

"§33.4(3) Significant risk.

a. Investigation. The responsible party shall notify the Department of the identity of the personnel to be used to develop and conduct the proposed Site Assessment Plan. The Department is authorized to disapprove the use of any personnel the Department considers to not be qualified to perform the work under the Site Assessment Plan, or any portion thereof."

c. The Company suggests that proposed §133.4(4) Other, be deleted. XXIII

This provision would lead the Department to direct the responsible person to continue in the active management of a site after the significant risk has been abated in accordance with the appropriate remedial measures as approved by the Department. The continued active management of a site which poses no significant risk appears to be unduly conservative.

d. The Company suggests that the Board give consideration to the XXIV-1 appointment of an advisory panel of representatives that would be directed to assist the department in implementing the proposed guidelines within the State of Iowa and to coordinate the efforts of the Commission, as expressed in its Guidelines, among appropriate state and local agencies, the private sector, and the general public. The appointed panel may also provide an advisory service in the non-binding mediation of disputes between the department and responsible parties which, in turn, may otherwise detract or deter responsible parties from

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voluntarily proceeding with preventive, investigatory and remedial actions required to abate an active site.

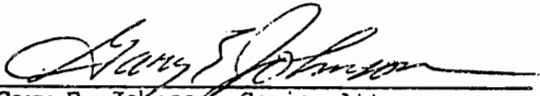
4. The Company has received, and forwards on for the consideration of the Commission, certain recommendations developed by Clean Sites, Inc. as they relate to the nation's hazardous waste program conducted by the Environmental Protection Agency. In particular, their recommendations to EPA to increase responsible party cleanups, at Section II, and certain improvement in the remedy-selection process, at Section III, would appear to have general application in the subsequent implementation of the proposed Guidelines. (Making Superfund Work, January, 1989, Attachment A.)

XXIV -3

DATED this 2nd day of May, 1989.

Respectfully submitted,

IOWA PUBLIC SERVICE COMPANY

BY 
Gary E. Johnson, Senior Attorney
P.O. Box 778
Sioux City, IA 51102
(712) 277-7586

(3)

IOWA ASSOCIATION OF
BUSINESS & INDUSTRY

April 24, 1989

Mr. Michael Murphy
Government Liaison Bureau
DEPARTMENT OF NATURAL RESOURCES
Wallace State Office Building
900 East Grand Avenue
Des Moines, Iowa 50319-0034

Re: Proposed Rules or Guidelines
Dealing With Determining Cleanup
Action and Responsible Parties (ARC-9745)

Dear Mr. Murphy:

On behalf of the Iowa Association of Business and Industry (1,500 members) we submit the following comments regarding the Commission's proposed guidelines or rules published under ARC-9745.

It would be best, in our opinion, if the guidelines were not published as proposed rules. The Department should clearly label the proposals as guidelines and the guidelines should not have the force of law or rules. (II)

The Association does disagree with the use of lifetime health advisories for the standard of triggering a cleanup action. The lifetime health advisory should not be used for cleanup targeted level. Where maximum contaminant levels (MCL's) exist, they should be used as the cleanup level. The MCL's have been established at the level that is safe for human consumption. Standards below this level are not necessarily to protect human health and environment. (VII-1)

The "significant risk" definition (Section 133.2) is too narrow and does not begin to address nonpoint pollution that could be encountered while attempting point source remedial action. The mere presence of a contaminates in groundwater in excess of an action level should not by itself constitute a significant risk. Localized contamination of shallow groundwater in a community where no one relies on shallow wells for their water should not be automatically labelled a "significant risk". Such language is alarmist and could force costly expedited remedial action when a more reasoned approach might accomplish the same cleanup objective with much less cost. Before the "significant risk" label could be applied, there should as a minimum be some use of the groundwater resource and reasonable potential for exposure to living things. (XIII)

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Has the state adopted their rules regarding laboratory certification program? If not, we would suggest until a laboratory certification program is adopted, the state should accept results from any laboratory without "certifying to the Department". Much of the superfund remedial laboratory work will probably be done out-of-state laboratories. The Department should not complicate such analyses without going through rulemaking for laboratory certification. The ability to split samples should be retained. This would give the state opportunity to double check anyone's results. (XIV)

In paragraph 133.3(2)d, the department should have to better define "quantity" in the sentence "However, where a quantity of contaminants is known to have been released into the environment, for example from a spill, which could reach groundwater, the department is not required to collect samples." As presently written, this could require a filling station to initiate remedial response every time someone runs over an auto gas tank during filling. We should know whether the department is going to use this for a tank car, RQ or milliliter. All are "quantities" but not all would warrant remedial action without collection of samples. (XV)

Under Superfund, there have been some potentially responsible party (PRP) defenses that the courts have generally accepted. If the pollution was caused solely by an act of God, war or a third party with whom the PRP had no direct or indirect relationship or if the PRP was an innocent landowner who performed careful inquiry and inspection of the property, then such persons are normally let off. The Departmental rules should acknowledge there are some exemptions that can rightfully be claimed. Perhaps, 133.3(4) should incorporate a statement such as "unless the PRP can show the pollution was caused by an act of God, war or a third party with whom the PRP had no direct or indirect relationship or if the PRP was an innocent landowner....." PRPs should not have to incur heavy legal expenses to learn they could have been exempt from legal action. (XVI)

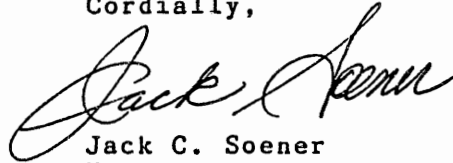
Subsection 133.4(3) requires completion of a site assessment plan "within 45 days of notice by the department unless a shorter time is required or a longer time is authorized by the department." The next line says the assessment shall be conducted "within a reasonable time". Forty-five days for submittal of a site assessment plan would probably be inadequate for most businesses who have not already selected a groundwater consultant. A business should have an opportunity to interview and selectively screen their consultant. The consultant selection will be one of the biggest decisions made concerning any remediation project. The department should not hurry the consultant selection process and the site assessment plan development to the point where serious mistakes occur in the beginning. The sentence with "a reasonable time" should be retained and the one with 45 days should be deleted. (Subsection 133.4(3) is also a good example of why we need to know whether we are dealing with rules or guidelines.) (XVII)

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Thank you for the opportunity to submit these comments for consideration by the Commission.

Cordially,

A handwritten signature in cursive script, appearing to read "Jack Soener".

Jack C. Soener
Vice President

/cls

4

BROWN, WINICK, GRAVES, DONNELLY, BASKERVILLE AND SCHOENEBAUM
ATTORNEYS AT LAW

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WALTER R. BROWN

April 27, 1989

HAND DELIVERED

Mr. Michael Murphy
Government Liaison Bureau
Department of Natural Resources
Wallace State Office Building
900 East Grand Avenue
Des Moines, IA 50319-0034

Re: ARC 9745

Dear Mr. Murphy:

The following comments and suggested revisions are being submitted in regard to the proposed General Guidelines for Determining Cleanup Actions and Responsible Parties (ARC 9745). I am submitting this information on behalf of CIBA-GEIGY Corporation as their attorney.

If you have any questions, feel free to give me a call.

Very truly yours,


Steven C. Schoenebaum

Enclosure
cc: Charles G. Rock

(4)

ENVIRONMENTAL PROTECTION COMMISSION [567]

PROPOSED NEW CHAPTER 133

GENERAL GUIDELINES FOR DETERMINING CLEANUP
ACTIONS AND RESPONSIBLE PARTIES

ARC 9745

Section 133.2 Definitions

Comment-"Action Level". The action level concept recognizes the need for standards to overcome the arbitrary nature of cleanups. While the proposal accurately reflects the terminology (HAL, MCL, etc.), the hierarchy of levels is inverted. The MCL, which is an enforceable duly promulgated number, should receive preference, followed by the HAL. The NRL is very seldom used in water quality discussions due to the EPA's maximum contaminant level goal (MCLG), which must be "0" for carcinogens. (VII-1) (VII-3)

Also, a state action level number would be set in the absence of an MCL or an HAL. The system for setting the state action level is too vague. Perhaps another definition should be added for a "state interim action level" and a procedure specified for petitioning the EPA for an HAL or an MCL. Instead of merely "basing" the state interim action level on "recommended guidelines of EPA and recognized experts," the state interim action level should adopt these guidelines. The state interim action levels should be adopted by rule of the Commission. (VII-2)

Suggested Revision-"Action level" means, for any contaminant, the MCL as established under the federal Safe Drinking Water Act, if one exists; if there is no MCL, then the HAL as published by the EPA's Office of Drinking Water, if one exists; if there is no MCL or HAL, the Commission shall petition the EPA for establishment of such levels. If the EPA does not provide an MCL or an HAL within sixty (60) days of petitioning, an SIAL shall be established by rule of the Commission using recommended guidelines of EPA and the EPA's toxicological assessment of the contaminant. In cases where the contaminant is classified by EPA as a carcinogen, the Commission shall utilize the EPA's conclusions regarding the contaminant, including the margins of safety for establishing an SIAL. If EPA conducts and utilizes a quantitation numerical risk assessment as the primary basis for regulating the contaminant, the Commission shall utilize the NRL, or other level as deemed appropriate by EPA, on a case-by-case basis. The Commission shall adopt the MCL or the HAL replacing the SIAL as they become available.

(4)

Suggestion Revision-"SIAL" means a state interim action level established by rule of the Commission in the absence of an MCL or an HAL after petitioning the EPA for establishment of such levels. An SIAL shall remain in effect until the EPA promulgates an MCL or publishes an HAL. The MCL shall in every case receive preferences. (VII-2)

Comment-"Preventative or Prevention". Prevention should be redefined to mean actions taken to minimize, mitigate or stop contamination before it occurs. The proposed definition is clearly an after the fact program. Prevention should include recognition of best management practices, etc., to keep compounds from adversely affecting the environment; not waiting until after the damage happens. Standards established up front would be a necessary element of this type of program. (XI)

Comment-"Significant Risk". The "may reasonably be expected to contaminate the groundwater" language is recognition of the importance of prediction and should be retained. However, the concept of risk should be included in the definition of contamination.

Suggested Revision-"Contamination" means the direct or indirect introduction into groundwater of any contaminant caused in whole or in part by human activities at a level that presents an aggravated or significant risk. (IX)

Section 133.4 Response to Contamination.

Comment-Subsection (4) Other. The proposal is very open-ended and could be improved by creating a set of criteria that the Department will follow in implementing the measures advanced in this subsection. For example, upon detection, the Department could move toward education; if increasing levels are noted, greater oversight and possibly voluntary best management practices could be advised. If the level falls on a trend line such that the standard (i.e., significant risk) is exceeded, the best management practices could become mandatory. (XXIII)

Suggested Revision-133.4(4) Other. Where a significant risk is not currently present, the following criteria will be used by the Department to prevent and/or minimize further impact:

- a. In cases where detection of a contaminant has been confirmed, the Department may implement an educational program to increase the awareness of potentially responsible parties to the practices or activities that may have resulted in the appearance of the contaminant;

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- b. In cases where an increased presence of a contaminant is measured subsequent to a confirmed detection, the Department may advise the use of best management practices to prevent further contamination and minimize the potential impact of the existing contamination, as well as continue or increase the educational efforts; and
- c. In cases where confirmed detections show clear trends toward attainment or exceedance of an action level, the Department shall initiate mandatory best management practices that may require the responsible party(ies) to monitor the groundwater and implement reasonable management or other preventative measures to minimize further impact.

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Sierra Club Iowa Chapter

THOREAU CENTER, 3500 Kingman Blvd., Des Moines, Iowa 50311-515 277 8868

May 3, 1989

Michael Murphy
Government Liaison Bureau
Dept. of Natural Resources
Wallace Bldg., 900 E. Grand
Des Moines, IA 50319

RE: Guidelines for Determining Cleanup Actions and Responsible Parties (ARC 9745)

Dear Mr. Murphy:

The Iowa Sierra Club would like to express our support for the proposed rules on groundwater cleanup. We are very pleased to see that remedial actions will be required when contamination above background is detected, and that best available technology and best management practices will be utilized to clean up contamination. (I)

I have two questions. In section 133.3(4) (determination of responsible persons), the rules state that persons in the vicinity of the contamination shall investigate their own actions to determine whether they could have caused the contamination. Is it reasonable to assume that they will be diligent about this investigation? What will the Department do to ensure that the investigation is complete? XVI

In section 133.4(3) b 1 (required cleanup actions), the rules state that if attainment of the goals is impractical, an alternative cleanup level may be established. What are the definitions of "practical" and "impractical"? XX

We would like to commend the DNR and Environmental Protection Commission for their work on this issue.

Sincerely,

Chris Robbins

Chris Robbins
Conservation Co-Chair

(6)

Monsanto

MONSANTO AGRICULTURAL COMPANY
800 N. Lindbergh Boulevard
St. Louis, Missouri 63167
Phone: (314) 694-1000

May 4, 1989

Mr. Michael Murphy
Government Liaison Bureau
Iowa Department of Natural Resources
Wallace State Office Building
900 East Grand Avenue
Des Moines, Iowa 50319-0034

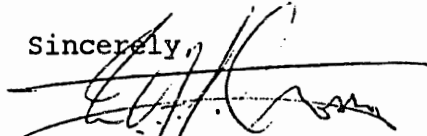
Dear Mr. Murphy:

On behalf of Monsanto Company, please accept my appreciation for the opportunity to comment on the "Notice of Intended Action" issued by Iowa DNR's Environmental Protection Commission. As someone who works closely with government agencies, and as a former Ohio DNR staffer, I understand the effort required to prepare a document such as the "General Guidelines for Determining Cleanup Actions and Responsible Parties." My colleagues and I have tried to be as diligent in reviewing the draft guidelines as the Iowa DNR was in developing them.

The enclosed document is our review.

If you have any questions about our review, please don't hesitate to contact us. Also, if you think it would be helpful, members of our technical and scientific staff could arrange to come to Des Moines to meet with DNR personnel.

Sincerely,



W. David F. J. Crosson
Manager, Government Relations

cc: Mr. Thomas Ward
Muscatine Plant
Mr. Keith Luchtel
Nyemaster, Goode, McLaughlin, Emery & O'Brien

64

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Monsanto Agricultural Company
800 North Lindbergh Blvd.
St. Louis, MO 63167

May 4, 1989

COMMENTS ON: "General Guidelines for Determining Cleanup Actions
and Responsible Parties"

Monsanto Company appreciates the opportunity to comment on the Iowa DNR's Environmental Protection Commission Notice of Intended Action titled "General Guidelines for Determining Cleanup Actions and Responsible Parties." The company recognizes the effort required to prepare the guidelines, and we have tried to be as diligent in reviewing the proposals as the Iowa DNR was in developing them. Monsanto is proud to be an important employer in the state, and wants to make a positive contribution to the state's efforts to control potential pollution.

For the most part, the guidelines and proposed actions should achieve the results the DNR desires, and Monsanto Company agrees with their general direction and the desirability of having known environmental clean-up guidelines available for the citizens and businesses of Iowa. There are a few items, however, which Monsanto believes must be clarified or improved: (I)

Section 133.1 (455B, 455E) Scope:

1. Revise the second sentence in 133.1(1) to read as follows:

"These rules pertain to the cleanup of groundwater itself and soils and surface water where groundwater may be affected by point source contamination." (II)

This makes the language of the scope section fit the intent in the preamble in the sentence reading "These proposed rules specifically address cleanup guidelines as to point source contamination only." (III)

2. Delete 133.1(3). This paragraph is inconsistent with the goals expressed in 133.1(2). In addition, the phrase "protect... the quality of life..." is so subjective and personal as to be of limited value in rule-making. (IV)

Section 133.2(455B, 455E) Definitions:

1. Change the definition of "action level" to read:

"Action Level" means, for any contaminant, a concentration level in groundwater which exceeds the federal Maximum Contaminant Level promulgated by the U.S. Environmental Protection Agency under the Safe Drinking Water Act. If there is no MCL, a (VII-1)

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concentration level in groundwater which exceeds a federal Health Advisory level (HAL) or a "negligible risk level" (NRL) may be adopted as an interim action level until an MCL is promulgated." VII-2

We believe water quality numbers based on health-related considerations are important to protect public health, and are therefore as essential to remedial situations as to day-to-day water quality control. When properly set, they assure the public that water is safe to drink. In a clean-up situation, a set standard tells all concerned parties what the safe level is, and what the clean-up should aim for. As an earlier DNR report on groundwater standards noted, clean-up goals "have generally been successful." VII-1

Appropriate standards help establish priorities for dealing with contamination situations by identifying, and thus focussing attention on, situations in which the level of contamination poses possibly significant health risks.

Item 6 on page 3 of draft (in the discussion of the DNR's reasons for establishing the guidelines) notes that one of Iowa's goals is to restore water to "a potable state." How can potability be defined, if not by drinking water standards? MCLs are drinking water standards, by federal law.

Monsanto realizes that MCLs, since they are drinking water standards, are not automatically groundwater standards. However, we believe the reason for developing quality standards for groundwater used for drinking by many Iowa (and U.S.) residents is to protect their health. Therefore, we believe it is appropriate and logical to use health-related federal drinking water standards for determining the healthfulness of groundwater used for drinking. As clean-up goals, MCLs remain the level at which the affected water is safe to drink, i.e., protective of public health, and restoring the water to "a potable state."

Finally, the texts of MCLs are quite strong on the subject of health protection. They state "Drinking water which meets this standard is associated with little to none of this risk (of cancer or other adverse health effects) and should be considered safe."

2. The definition of Health Advisory level (HAL) needs to be clarified.

HAS usually list several different levels of health risk, based on differing concentration levels of a chemical and depending on the length of time of exposure to the chemical. The "lifetime" HAL is only one of these levels, and is not set for every compound. VII-1

Health Advisories were developed by the U.S. EPA's Office of Drinking Water (ODW) to provide information on possible health effects, analytical procedures, and treatment technology useful,

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in the absence of more definitive information, in dealing with instances of contamination of drinking water. They are certainly helpful in providing information, but the contents change as new information becomes available, and they are not always subject to rigorous peer review. On every HA issued by ODW is the following statement:

"Health Advisories serve as informal technical guidance to assist federal, state and local officials responsible for protecting public health when spills or contamination situations occur. They are not to be construed as legally enforceable federal standards. The HAs are subject to change as new information becomes available."

In contrast, MCLs are enforceable standards set by the federal government under the Safe Drinking Water Act. The goal of the Act is to control those contaminants in drinking water that may have an adverse effect on health. MCLs are established to meet this goal based on science and in accordance with a procedure which assures due process, including public involvement, and results in a legally enforceable number.

3. "NRL" should be redefined from the point value 1×10^{-6} to the range of 10^{-6} or 10^{-5} .

VII-3

The U.S. FDA, citing the conservative assumptions inherent in the risk assessment process, has described "one in a million" risk as "...the functional equivalent of no risk at all..." and "...for all practical purposes, zero." The U.S. EPA and National Academy of Sciences consider negligible risk to be in the range of one in a million per lifetime, or 10^{-6} . California uses the value of 10^{-5} . Depending on the substance and other circumstances, risks as high as the range of 10^{-4} may be acceptable (e.g., in chlorinating or fluoridating water).

Because of the conservative ("worst case") assumptions built into risk assessments, the actual incidence of health effects could as likely be zero as they could be the worst possible risk.

(NOTE: Several articles and presentations on risk assessment and management of water contamination are included as supplemental information.)

4. Change "Significant Risk" to "Actionable Risk," in the definitions section and where it is used in the proposed rules.

XIII

The presence of a contaminant does not necessarily equate to a significant risk to humans or the environment. However, presence at certain levels (i.e., exceeding the "action level") has, as a policy decision, become the level of risk at which action will be taken; thus the suggestion of calling this risk level the "actionable risk" level. Also in the definition, delete "quality of life," which is a subjective and personal concept with limited value in rule-making.

V

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Section 133.4(455B, 455E) Response to contamination:

XXII

If the presence of a contaminant exceeds the MCL or other duly adopted standard, Iowa should begin an incremental implementation of voluntary and/or involuntary restrictions, based on the investigatory information developed under provisions of Section 133.3(455B, 455E). Restrictions should be continued until the contaminant concentrations are trending downward, and are once again at the MCL or other duly adopted standard, as determined by monitoring. This approach is responsible, preventive, and protective of public health because MCLs are set at safe levels, assuming lifetime consumption of water containing the chemical at the MCL concentration. This tiered approach is also fiscally responsible: 1) it directs state actions at those instances when safe levels have been exceeded and the health risk may be beginning to increase, thus not wasting tax dollars; and, 2) it matches the level of restrictions on contaminants to the level of correction needed, which should achieve clean-up without adversely affecting Iowa's economy.



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Department of Justice

THOMAS J. MILLER
ATTORNEY GENERAL

ADDRESS REPLY TO:
HOOVER BUILDING
DES MOINES, IOWA 50319

May 5, 1989

Mr. Michael P. Murphy
Chief, Government Liaison Bureau
Department of Natural Resources
Wallace State Office Building
L O C A L

Dear Mike,

We are suggesting the following changes to the Notice of Intended Action, Chapter 133, ARC 9745:

1. Rename the chapter to "Rules for Determining Cleanup Actions and Responsible Parties." (II)

2. Delete the third sentence and the last sentence in § 133.1(1). (II)

3. Delete "are general guidelines and" from the first sentence in § 133.1(3). (II)

4. Combine the two definitions of "contaminant" in § 133.2 or delete the second definition if it does not add any substances already covered by the first definition. (IX)

5. Clarify the use of the reference "(1 X 10⁻⁶)" in the definition of "NRL" in § 133.2. (VII-3)

6. Amend definition of "responsible person" in section 133.2 as follows: (XII)

"Responsible person" means any person who is legally liable for the contamination in question or who is legally responsible for abating contamination under any applicable law, including Chapter 455B, common law and/or Chapter 455E. This may include the

Mr. Michael P. Murphy
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person causing, allowing or otherwise participating in the activities or events which cause the contamination, persons who have failed to conduct their activities so as to prevent the release of contaminants into groundwater, property owners who are obligated to abate contamination, or persons responsible for or successor to such persons.

7. Do the references on sampling and analytical methods contained in §§ 133.3(1)a and b include only solid waste sampling and analysis? If so, the rule should be amended to include sampling and analytical methods required for groundwater, surface water, and soil.

8. Amend section 133.3(4) by deleting all but the last sentence of the section, and inserting a procedure for determining the parties responsible for groundwater cleanup. This could be accomplished by listing factors which the department would consider in determining responsible parties and setting forth a procedure (such as notice and/or administrative order) to name them.

9. Define "active source" in § 133.4(1).

10. The definition of "significant risk" contained in § 133.2, paragraph 3, should be changed as follows:

The presence of a contaminant or contaminants in the groundwater, or in the soils, surface water or other environment in proximity of groundwater which may reasonably be expected to contaminate groundwater, in quantities, concentrations, or combinations which may significantly adversely impact the public health, safety, environment, or quality of life.

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11. § 133.4(3)b(2) contains the phrase "imminent and likely." Does this mean the same kind of situation as referred to in the definition of "significant risk", § 133.2, paragraph 2, which states "may reasonably be expected to contaminate the groundwater"? If not, then there is a gap in the rule on Response to Contamination, § 133.4(1)-(4). If the two phrases have the same meaning, then § 133.4(3)b(2) should be amended by substituting "may reasonably be expected" for the arguably more stringent phrase "is imminent or likely."

XXI

If "imminent" was not intended, then the definition of "preventative" or "prevention" contained in § 133.2 should also be amended by substituting "may reasonably be expected" for "is imminent."

Cf. also § 133.1(1) ("where groundwater may be impacted"); § 133.2, definition of "background" ("reasonable probability of entering the groundwater"); § 133.3(2) ("where contamination of the groundwater may reasonably be expected"); § 133.3(2)b ("where release to the groundwater is likely"); § 133.3(2)c ("could reasonably be expected to cause groundwater contamination"); and § 133.3(2)d ("could potentially cause groundwater contamination").

12. § 133.4(2) should be amended by substituting the following first sentence:

XVIII

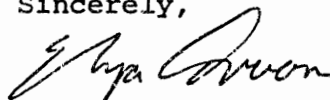
Where the contamination presents an aggravated risk, the preventative, investigatory, and remedial measures provided in §§ 133.4(1) and (3) shall be expedited to remove such risk.

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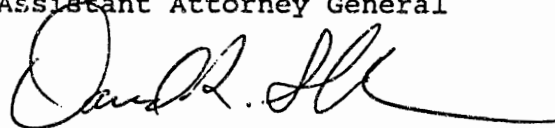
Mr. Michael P. Murphy
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If you have any questions concerning these proposed changes
feel free to contact us.

Sincerely,



ELIZA OVROM
Assistant Attorney General



DAVID R. SHERIDAN
Assistant Attorney General
Environmental Law Division

EO/DRS:rcp



IOWA POWER

666 Grand Avenue
P.O. Box 657
Des Moines, Iowa 50303
515-281-2900
An Iowa Resources Company

May 18, 1989

Mr. Michael Murphy
Government Liaison Bureau
Department of Natural Resources
Wallace State Office Building
900 East Grand Avenue
Des Moines, IA 50319-0034

Dear Mr. Murphy:

The following comments are submitted by Iowa Power in response to ARC 9745, published March 22, 1989, in the Iowa Administrative Bulletin. ARC 9745 describes the proposed Chapter 133 General Guidelines for Determining Cleanup Actions and Responsible Parties. These comments are submitted because ARC 9745 may effect certain electric generating and service facilities and properties owned by Iowa Power.

Iowa Power is a public utility engaged, principally, in generating, purchasing, distributing, and selling electric energy for over 245,000 customers in central and southwestern Iowa. Iowa Power operates three coal-fired generating units (Council Bluffs Energy Center, Units 1, 2, and 3) located south of Council Bluffs and two gas-fired generating units (Sycamore Energy Center and River Hills Energy Center) located in Des Moines. The Company also operates thirteen service centers and numerous electric substations located throughout its service territory.

These comments address the following items as numbered in ARC 9745:

1. 567-133.2 - Definitions

Action Level - Iowa Power is concerned that the proposed contaminant level summoning regulatory action is based upon too stringent lifetime health advisory standards. Rather, Iowa Power believes action levels should be no more stringent than current maximum contaminant levels established by EPA pursuant to the Safe Drinking Water Act and used by EPA to clean up contaminated sites.

Remedial Action Plan - Iowa Power agrees that a groundwater cleanup program should be equitable and expeditious as well as environmentally sound utilizing the best available technology and best management practices. Iowa Power also agrees that different cleanup technologies should be encouraged. However, Iowa Power believes that the evaluation of active and passive remediation measures must include an assessment of the method's successes and cost-effectiveness in order to be judged reasonable and practical.

Mr. Michael Murphy

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May 17, 1989

2. 567-133.4(3)a - Investigation

It is unclear whether the term "site assessment plan" as defined and used in this subrule requires field investigation to determine the extent and level of contamination before approval or whether the plan is only a recommendation of the methodologies needed for determining the extent and concentrations of contaminant(s). In some instances, it may be necessary to conduct a limited field investigation in order to obtain enough information to develop an acceptable assessment plan.

Iowa Power appreciates this opportunity to present these comments.

Sincerely,



Frank R. Weaver
Environmental Specialist

ap

cc: R. B. Fortney

Chapter 133
General-Guidelines Rules For Determining
Cleanup Actions and Responsible Parties

133.1(455B, 455E) Scope.

133.1(1) These rules establish the procedures and criteria the department will use to determine the parties responsible and cleanup actions necessary to meet the goals of the state pertaining to the protection of the groundwater. These rules pertain to the cleanup of groundwater itself and soils and surface water where groundwater may be impacted. They may also be used as guidelines in other environmental protection activities authorized by Iowa Code Chapter 455B. Where specific federal or state programs or funds exist to address situations that are also governed by these rules, the rules and standards of the specific programs or funds will be integrated and utilized to achieve an equitable, expeditious and environmentally sound resolution of the particular contamination situation. ~~These rules are intended only as guidelines for cleanup of contamination.~~ These rules apply specifically to point source contamination only.

133.1(2) These rules apply specifically to cleanup actions required to abate, prevent or remediate a hazardous condition, the presence of a hazardous substance or waste, the release of a regulated substance, or the discharge of a pollutant, as those terms are defined in Iowa Code Chapter 455B.

133.1(3) ~~These rules are general guidelines and~~ shall not limit the department's authority to require remedial or preventative action, or to take remedial or preventative action, as necessary to protect the public health, the environment, or the quality of life. The department will

make its evaluation on a case-by-case basis, considering site characteristics, and where more than one contaminant is present or there is no established action level, will consider the toxicity, mobility and persistence of contaminants involved. The evaluation may include the potential synergistic, antagonistic, or cumulative effects of the contaminants involved in a particular case.

133.1(4) Persons subject to these rules retain all applicable appeal rights provided in Iowa Code Chapter 455B.

133.2(455B, 455E) Definitions.

"Action level" means, for any contaminant, the HAL, if one exists; if there is no HAL, then the NRL, if one exists; if there is no HAL or NRL, then the MCL. If there is no HAL, NRL, or MCL, an action level may be established by the department based on current technical literature and recommended guidelines of EPA and recognized experts, on a case-by-case basis.

"Active cleanup" means removal, treatment, or isolation of a contaminant from groundwater or associated environment through the directed efforts of humans.

"Aggravated risk" means a contamination situation which presents a potentially catastrophic or an immediate and substantial risk of harm to human life or health or to the environment. Examples include exposure of humans, animals or the food chain to acutely toxic substances, contamination of a drinking water supply, threat of fire or explosion, or similar situations.

"Background" means groundwater quality unaffected by human activities, and generally shall be determined by historical data of the geological services bureau or other government agencies for the type of aquifer or location involved in a given case. If available data is not adequate, background

may be established by groundwater samples upgradient of a source or potential source of a substance which is detected in or has a reasonable probability of entering the groundwater.

"Best available technology" means those processes which most effectively remove, treat, or isolate contaminants from groundwater or associated environment, as determined through professional judgment considering actual equipment or techniques currently in use, published technical articles and research results, engineering reference materials, consultation with known experts in the field, and guidelines or rules of other regulatory agencies.

"Best management practices" means maintenance procedures, schedules of activities, prohibition of practices, and other management practices, or a combination thereof, which, after problem assessment and evaluation of alternatives is determined to be the most effective means of preventing or abating contamination at a location.

"Contaminant" means any chemical, ion, radionuclide, synthetic organic compound, microorganism, waste or other substance which does not occur naturally in groundwater or which occurs naturally at a lower concentration. "Contaminant", and includes all hazardous substances as defined in 42 U.S.C. 9601, and any element, compound, mixture, solution or substance designated pursuant to 40 C.F.R. 302.4.

"Groundwater" means any water of the state as defined in Iowa Code section 455B.171 which occurs beneath the surface of the earth in a saturated geologic formation of rock or soil.

"HAL" means a lifetime health advisory level for a contaminant, established by the United States Environmental Protection Agency (EPA). Health advisories represent the

concentration of a single contaminant, based on current toxicological information, in drinking water which is not expected to cause adverse health effects over lifetime exposure.

"MCL" means the enforceable maximum contaminant level established by the EPA pursuant to the Safe Drinking Water Act.

"NRL" means the negligible risk level (1×10^{-6}) for carcinogens established by the EPA, which is an estimate of one additional cancer case per million people exposed over a lifetime to the contaminant (1×10^{-6}).

"Passive cleanup" means the removal or treatment of a contaminant in groundwater, or associated environment, through management practices or the construction of barriers, trenches and other similar facilities for prevention of contamination, as well as the use of natural processes such as groundwater recharge, natural decay and chemical or biological decomposition.

"Point source" means any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or any site or area where a contaminant has been deposited, stored, disposed of, or placed, or otherwise come to be located.

"Preventative" or "prevention" refers, in the context of these rules, to actions or efforts to minimize or stop further contamination in a situation where contamination already exists or is imminent.

"Remedial action plan" means a written report which includes all relevant information, findings, and conclusions from a site assessment, including all analytical results and identification of contaminant migration pathways;

identification and evaluation of cleanup alternatives, including both active and passive measures using best available technology and best management practices; a recommended cleanup action or combination of action, including identification of expected cleanup levels consistent with the cleanup goal of 133.4(3)"b;" a monitoring network and schedule to document cleanup levels; and a proposed schedule of implementation.

"Responsible person" means any person who is legally liable for the contamination in question or who is legally responsible for abating a ~~condition of~~ contamination under any applicable law, including Iowa Code Chapters 455B and 455E, and the common law. This may include the person causing, allowing or otherwise participating in the activities or events which cause the contamination, persons who have failed to conduct their activities so as to prevent the release of contaminants into groundwater, property owners who are obligated to abate a condition, or persons responsible for or successor to such persons.

"Significant risk" means

1) the presence in groundwater of a contaminant in excess of an action level;

2) the presence of a contaminant in the soils, surface water, or other environment in proximity to groundwater which may reasonably be expected to contaminate the groundwater to an action level; or

3) the presence of a contaminant or contaminants in the groundwater, or in the soils, surface water or other environment in proximity of groundwater which may be expected to contaminate groundwater in quantities, concentrations, or combinations which may significantly adversely impact the public health, safety, environment, or quality of life. This criterion would normally be applied

where there is no established action level or where combinations of more than one contaminant are present.

"Site assessment plan" means a written proposal for study of a contamination situation to determine the types, amounts, and sources of contaminants present, hydrogeological characteristics of the site, and the vertical and horizontal extent of contamination, with a goal of developing an adequate remedial action plan. The proposal must include: recommendations for collection of relevant historical data such as site management practices, inventory records, literature searches, photographs and personal interviews; a methodology for obtaining groundwater flow information including well placements, construction and elevation, bore logs, static groundwater table measurements, groundwater elevations, groundwater gradients (isopleth), and information on soil transmissivity, porosity and permeability; and a methodology for identifying contaminant plumes, including additional monitoring wells to identify the horizontal and vertical extent of contamination, a site plot showing the estimated configuration of contamination, and a sampling schedule and list of constituents to be analyzed. The plan development may require preliminary field investigations.

133.3(455B, 455E) Documentation of contamination and source.

133.3(1) Sampling and analytical procedures. Unless rules for specific programs under USEPA or department authority provide otherwise, or unless other methods are approved by the department for a specific situation, samples taken and analyses made to document contamination or cleanup levels under this chapter shall be conducted in accordance with the following:

a. Samples. "A Compendium of Superfund Field Operations Methods", USEPA, Office of Emergency and Remedial Response, Washington, D.C. 20460 (EPA/540/P-87/001, OSWER Directive 93.55.0-14, December, 1987).

b. Analyses. "Test Methods for Evaluation of Solid Waste, Physical-Chemical Methods (SW-846)", USEPA, most recent-edition Third Edition, November 1986, as revised through December 1988. Until the department adopts rules regarding certification of laboratories, analyses shall be conducted at a laboratory that certifies to the department that the appropriate analytical procedure is utilized, or a laboratory which has been approved under EPA's Contract Laboratory Program. Upon adoption of rules by the department regarding certification of laboratories, all analyses shall be made at a certified laboratory. The parties, both the department or person responsible for investigating, shall have the opportunity to split samples for independent analysis, and where appropriate a sample portion shall be retained for a reasonable period of time for possible reanalysis.

133.3(2) Department determination of contamination. When the department receives or obtains evidence of groundwater contamination or the release or presence of contaminants in the environment associated with groundwater, where contamination of the groundwater may reasonably be expected, the department shall make reasonable efforts to document the source of contamination, and shall require responsible persons to take appropriate preventative, investigatory and remedial actions. Evidence of contamination may include but is not limited to the following:

a. Water samples indicating the presence of a contaminant at levels above background.

b. Soil or surface water samples indicating the presence of a contaminant at levels above background, where release to the groundwater is likely.

c. Known releases of contaminants into the environment in quantities and locations that could reasonably be expected to cause groundwater contamination.

d. Other events that the department determines could potentially cause groundwater contamination.

The amount and type of evidence necessary to document contamination or potential contamination will vary with the circumstances of each case, including the amount and type of contaminant involved, site topography and geologic conditions, and potential adverse effects. Normally, a reasonable number of water and soil samples will be taken or analyses obtained by the department. However, where a significant quantity of contaminants is known to have been released into the environment, for example from a spill, which could reach groundwater, the department is not required to collect samples.

133.3(3) Department determination of source. The department shall determine whether the contamination is or likely was caused by a particular source or sources, for example a known spill of contaminants or current or past facilities or activities in the vicinity which involved products or substances which could be a likely source. If no such person or event can be identified, the department shall make reasonable efforts to determine whether there is a relatively restricted area of more concentrated contaminants in the vicinity which is or is likely to be a source of the contamination. This subrule does not require the department to identify a specific person or persons responsible for the contamination, but to determine whether

the contamination has or has likely come from a relatively defined source.

133.3(4) Determination of responsible persons. Where a source or likely source of contamination is identified, the person or persons responsible for that source or sources shall conduct necessary preventative, investigatory and remedial actions.

a. Identification. The persons responsible or potentially responsible initially shall be identified by the department through such measures as on-site observations; interviews with witnesses and local officials; review of public records, including department files; and interviews with or information obtained from potentially responsible persons. Where there may be more than one source, or the source is otherwise not conclusively identified, persons in the vicinity of the contamination who handle or have handled materials or wastes in the vicinity of the contamination, which could be the source, shall investigate and provide information satisfactory to the department to confirm or disaffirm that their activities are a source of the contamination. Investigation by the responsible or potentially responsible person may include inspection of inventory or other records, and soil and groundwater monitoring to better define the source. Such monitoring shall conform to the requirements of 133.4(3)"a", provided that a full-scale assessment may not be required for this purpose. In all cases, all owners of property on or over which a source of contamination is determined may be responsible for preventative, investigatory and remedial measures.

b. Notification. The department shall notify in writing the persons determined responsible under the above procedures, and include a brief statement of the facts upon

which the department concluded that they are responsible, and the actions required; provided that where immediate action is necessary, verbal notification may be given, followed up with written notification. The persons notified may provide information disputing or supplementing the information relied on by the department, which shall be considered by the department.

c. Responsible persons may be jointly and severally liable, and the department is not required to name all potentially responsible parties in directing responsive actions to contamination.

133.4(455B, 455E) Response to contamination.

133.4(1) Prevention of further contamination. In all cases where an active source of contamination is identified, such as leaking tanks or current practices, which may be readily corrected, the source shall be removed, repaired or otherwise contained, or the contaminating practices ceased, immediately upon discovery of the source. In addition, readily accessible contaminants, for example concentrated contaminants spilled on the ground or accessible through a recovery well or system, shall be promptly removed to avoid or minimize further contamination in the groundwater.

133.4(2) Aggravated risk. Where the contamination presents an aggravated risk, the preventative, investigatory and remedial measures provided in subrules (1) and (3) of this rule shall be expedited to remove such risk. In addition, the following actions shall be taken by the responsible parties, if necessary, to protect the public health or environment:

- a. Providing alternate water supplies.
- b. Installing security fencing or other measures to limit access.

c. Extraordinary measures to control the source of release.

d. Removal of hazardous substances to an approved site for storage, treatment or disposal.

e. Placing physical barriers to deter the spread of the release.

f. Recommending to appropriate authorities the evacuation of threatened individuals.

g. Using other materials to restrain the spread of the contaminant or to mitigate its effects.

h. Executing damage control or salvage operations.

133.4(3) Significant risk. In cases of significant risk, the following investigatory and remedial measures shall be implemented:

a. Investigation. The responsible party shall determine the extent and levels of contamination through a site assessment conducted by under the supervision of a registered professional engineer, an or-ether expert in the field of hydrogeology, or other qualified person. A site assessment plan shall be submitted to the department within 45 days of notice by the department, unless a shorter time is required or a longer time is authorized by the department. The plan shall be approved by the department prior to initiation of the assessment, unless otherwise approved by the department. The site assessment shall be conducted within a reasonable time and a remedial action plan shall be submitted to the department, within the time directed or approved by the department. The department may require further investigation by the responsible person in order to adequately assess the extent of contamination, and may require the remedial action plan to be supplemented if necessary.

b. Required cleanup actions.

1. Groundwater. The goal of groundwater cleanup is use of best available technology and best management practices as long as it reasonable and practical to remove all contaminants, and in any event until water contamination remains below the action level for any contaminant, and the department determines that the contamination is not likely to increase and no longer presents a significant risk. Where site conditions and available technology are such that attainment of these goals would be impractical, the department may establish an alternative cleanup level or levels, including such other conditions as will adequately protect the public health, safety, environment, and quality of life.

2. Other. Where significant amounts of contaminants are documented as being present in the soils or other environment, such that groundwater contamination is occurring or is imminent-and likely, active cleanup of the contaminated soils or other environment shall be implemented to the extent reasonable and necessary to prevent or minimize release to the groundwater; passive cleanup may be allowed in extraordinary circumstances.

133.4(4) Other. Where significant risk is not currently present, the responsible person may be required to monitor the groundwater and implement reasonable management or other preventative measures to minimize further contamination.

133.5(455B, 455E) - Report to commission. Department actions taken pursuant to this chapter shall be reported to the commission.

Date

Larry J. Wilson, Director

(A:EP133.RUL/157-89)

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Mr. Combs explained that the reason for development of these rules is that the Groundwater Protection Act required the department to adopt, as rules, guidelines for determining the cleanup action that would be taken in groundwater contamination cases. The legislature mandated that the rules be adopted by July 1, 1989. Mr. Combs noted that the reason this is being presented so near the deadline is that the department was also required to put together a report on groundwater standards, and staff wanted to ensure that the rules were consistent with the recommendations adopted in the Groundwater Standards Report. He distributed a copy of the Groundwater Standards Report to the new Commissioners.

Mr. Combs gave a detailed explanation of the rules, the accompanying public comments, and changes made as a result of oral and public comments received. Mr. Combs urged the Commission to adopt the rules today, so that the statutory deadline can be met.

APPOINTMENT - DR. ANDREW KLEIN

Dr. Andrew Klein, Regulatory Affairs Manager for Monsanto Company, presented the following written statement:

COMMENTS OF ANDREW J. KLEIN, Ph. D.
June 20, 1989

INTRODUCTION

Monsanto Agricultural Company, a unit of Monsanto Company, is a producer of agricultural pesticides with a manufacturing facility in Muscatine, Iowa where the popular Lasso herbicide family is produced and formulated. On behalf of Monsanto Company, I appreciate the opportunity to comment directly to the Commissioners of the Iowa Department of Natural Resources Environmental Protection Commission on the Notice of Intended Action, ARC 9745, "General Guidelines for Determining Cleanup Actions and Responsible Parties." Monsanto is proud to be an important employer in the state, and has a history of cooperation with state agencies in making positive contributions to control pollution.

In general, Monsanto supports the guidelines and proposed actions which should achieve the result the DNR desires: practical remediation of contaminated ground water caused by known point sources. Monsanto is concerned about the degradation of ground water and has extensive programs in place to assess, understand and correct potential problems. Nevertheless, we remain troubled by several items proposed by the DNR which could be considerably improved and clarified.

E89Jun-88

CLEANUP STANDARDS

Monsanto once again strongly recommends the use of Maximum Contaminant Levels (MCLs) as developed by the USA EPA under the Safe Drinking Water Act as the most appropriate standards to guide cleanup actions. We support efforts to classify ground water, and recognize the highest and best use of ground water is as a source of human drinking water. Thus, ground water pollution prevention and remediation programs should be designed to assure the "potability" of water for human consumption. What better way exists to do this than the use of drinking water standards?

MCLs are established according to a detailed procedure developed under the Safe Drinking Water Act. The procedure evaluates all relevant data, and, most importantly, allows for public comment from all interested parties. MCLs are health and technology based numbers designed to assure a safe, wholesome and adequate water supply. They are set at a level which is safe for lifetime consumption at the stated level. Furthermore, MCLs are developed with a considerable margin of safety. It is important to remember that MCLs are safe levels. Consider the actions required of a water utility when an MCL is exceeded. The water supplier must notify the consumers that their water exceeds the standard, and meanwhile, the water utility must take steps to assure its water meets the standard. The first step in this process is applying for a variance from the standard while treatment technology is installed. It is in this variance process where an "unreasonable risk" level is established. Water exceeding this unreasonable risk level would be deemed unfit for human consumption, and only then would an alternate water supply be provided. The point of this discussion is to reiterate that MCLs are safe levels for human consumption; there is no reason to set levels below the MCLs to provide an additional margin of safety. Ground water cleanup action levels based on MCLs will assure ground water is safe to drink.

Monsanto realizes, of course, that MCLs have not been promulgated or proposed for all substances likely to occur in ground water from point sources. However, EPA is under court order to promulgate standards for most of the materials found in recent statewide surveys of Iowa's groundwater. And in cases where MCLs do not exist, a concentration level in ground water exceeding a federal Lifetime Health Advisory Level (HAL) or a Negligible Risk Level (NRL) could be adopted as an interim action level until an MCL is promulgated.

NEGLEGIBLE RISK LEVEL

We strongly disagree with the proposed procedure which effectively defines levels of risk even slightly above "negligible" as "significant." Such a definition ignores the history of the negligible risk concept. The Federal Food and Drug Administration developed the concept of negligible risk in

the 1970's in response to the conflict between the "Delaney clause" and ever more sensitive analytical procedures. The Delaney clause specifically excluded the food use of any amount of a substance shown to cause cancer in humans or animals. The Delaney clause was written into law in the 1950's when it was widely assumed that any amount of a chemical carcinogen, even a single molecule, presented some small risk of cancer.

Scientific technology has advanced considerably in the last 35 years. Analytical techniques are, in some cases, a million fold more sensitive, so substances previously thought to be absent from food and water can now be routinely detected. Additionally, our understanding of cancer has improved, and the "one molecule theory" of cancer has been shown to be inappropriate in certain cases. Furthermore, many natural substances are now presumed to cause cancer. To address these conflicts with a strict interpretation of the Delaney clause, the FDA proposed the concept of "de minimus" or "negligible" risk. Realizing that between 1 in 4 to 1 in 3 people develop cancer from all causes over a lifetime, an excess cancer risk of one in one million, that is an increase from 0.25 to 0.250001 was deemed negligible. The negligible risk policy was upheld according to the legal principle of "de minimis non curat lex" translated as: "the law does not concern itself with trifles." Iowa is proposing in this notice to extend the negligible risk concept to significant risk. Good science, and appropriate use of scarce resources, does not allow this extension. Under such a procedure, extensive, expensive cleanup would be required at levels equivalent to no risk at all. As an example, consider the chemical chloroform: the MCL for chloroform (actually for total trihalomethanes, expressed as chloroform) is 100 mg/l. The average level of chloroform in public drinking water in the United States is about 40 mg/l. The negligible risk level for chloroform is about 1 mg/l. Thus Iowa's proposal could require cleanup of ground water contaminated with chloroform at level 100 fold less than allowed in quality drinking water from a public water supply! Such action is not a responsible public policy.

OTHER COMMENTS

Point source

Monsanto commends the DNR for explicitly stating the proposed rules apply specifically to point source contamination only.

Synergy

Synergistic effects have not been demonstrated at levels commonly associated with chemical contamination of ground water. Reference to synergistic effects observed in pharmaceutical interactions may have little meaning because of the relatively large doses required to observe these effects. We are pleased that the DNR recognizes they have the burden of providing

technical justification when synergistic considerations are applied to cases of ground water contamination.

CLEANUP ACTION

Monsanto agrees with the DNR that the tests of "practicality" and "reasonableness" should be applied to cleanup actions.

CONCLUSIONS

Monsanto supports the development of sound, science-based regulation to preserve, protect and restore where necessary, the quality of Iowa's ground water. With appropriate changes to the action level and negligible risk level, the regulations proposed in this notice of intended action would be practical and effective in controlling point source impacts on ground water.

Dr. Klein discussed issues contained in his written statement and urged the Commission to use MCLs as a first action level rather than HAL levels, and he recommended changing the negligible risk level.

A lengthy discussion followed regarding action levels based on MCLs rather than HALs; the figures used for MCLs, HALs, and NRLs; defining point source and nonpoint source contamination; the department's authority over point source and nonpoint source contamination and the distinction between each; provision for agricultural exemptions; cleanup levels and requirements in situations where normal background level is higher than MCL; and action levels for MCLs, HALs, and NRLs.

Mr. Combs stated that the primary focus of the department is protection of human health. In the opinion of the department, the health advisory levels are more geared to protection of human health from untreated water, than are MCLs. Many of the citizens of Iowa get their water from private drinking supplies which are not treated.

Clark Yeager suggested that the Commission delay action on the rules for one month to allow the new Commissioners time to gain some knowledge and understanding of the rules.

Most of the new Commissioners indicated that they would be prepared to vote on the rules today.

Further discussion took place regarding health advisory risk levels and related statistics.

Motion was made by Margaret Prah1 to approve as presented, Final Rule--Chapter 133, General Guidelines for Determining Cleanup Actions and Responsible Parties, with the additional request that the definition of action level relative to HAL, NRL, and MCL be further explained by staff and it be put on next month's agenda

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for further discussion, with the possibility of an amendment. Seconded by Gary Priebe. Motion carried unanimously.

Gary Priebe asked if Dr. Klein could be present next month for this discussion.

Dr. Klein responded that he would be able to attend next month's meeting.

REFERRALS TO THE ATTORNEY GENERAL (Continued)

Touch Down Company

Mr. Murphy briefed the Commission on the History of this case.

Chairperson Mohr asked if a representative from Touch Down Company was present to address this item.

There was no representative from Touch Down Company present at 9:45 a.m., therefore the Commission decided to delay this item until the remainder of the referrals are taken up.

PROPOSED RULE--CHAPTERS 60, 61, & 62, WATER QUALITY STANDARDS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Proposed revisions to Chapter 60, 61, 62, Water Quality Standards and Chapter IV of the "Supporting Document for Iowa Water Quality Management Plans" will be presented as an informational item. These revisions reflect comments received from the Environmental Protection Agency on previously proposed rules.

The proposed rules are being reviewed by a technical advisory committee and the committee's initial comments should be available at the time of the Commission meeting. At the July Commission meeting, the Commission will be asked to approve holding public hearings on these proposed standards.

Mr. Stokes distributed copies of the proposed rule and explained same. He stated that the Clean Water Act requires that states review their state water quality standards at least once every three years. Congress also mandated that we now address a wider range of toxics in water. He pointed out the key changes from the previous proposed rules as follows: 1) Continued use of 7Q10 stream flow (4Q3 dropped); 2) Mixing zone provisions apply to ammonia nitrogen; 3) Permit derivation procedures added.

Mr. Stokes stated that he has received no preliminary comments from the advisory committee at this time. He added that it does not mean that they do not have any comments, or that they endorse this proposal. He listed the names of the advisory committee members.

This item will be brought to the July Commission meeting for approval as a Notice of Intended Action.

This was an informational item; no action was required.

REFERRALS TO THE ATTORNEY GENERAL (Continued)

Touch Down Company (Continued)

Mike Murphy reviewed the history of this case.

APPOINTMENT - BILL KOEHN (Touch Down Company)

Bill Koehn, attorney representing Touch Down Company, addressed the Commission stating that his client has had a couple of problems over the last few years with diesel storage tanks they have in Webster City. On the first occasion when a spill occurred due to leakage of saddle tanks on a truck, it was satisfactorily cleaned up and there were no problems as a result of that. In May, 1988 a coupler broke and there was a small discharge into a holding tank and it was immediately cleaned up. According to the books and records of the company there was no loss. Mr. Koehn stated that, legally, it should have been reported to DNR but it was not. He added that no violations occurred other than the failure to report the leak. He indicated that his client would be willing to enter into an agreement that all future incidents will be reported. He stated that he feels it is not appropriate to send this to the Attorney General's Office to investigate for criminal action.

Clark Yeager asked about the amount of the spill, noting that 3,000 to 5,000 gallons is mentioned in the report.

Mr. Koehn responded that the figure is totally inaccurate, that the spill was cleaned up and taken back into the tank.

Mark Landa, Governmental Liaison Bureau, reviewed the chronology of the most important actions in this case. He expanded on the details of the leaks and spills and the lack of the company to report same, even though they had previous knowledge about the department's reporting requirements.

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Motion was made by Mike Earley for referral to the Attorney General's Office. Seconded by Margaret Prahl. Motion carried unanimously.

Amoco Oil Company

Mike Murphy briefed the Commission on the history of this case. He noted that, in May, 1988, there was a release of petroleum products from the Amoco station in Stuart, and it was not reported to the department until August, 1988. On October 3, 1988 the department requested the company to proceed with remedial action. In January, 1989 the department again requested the company to proceed with remedial action. The department received assurances that it would be done, but nothing has been done.

APPOINTMENT - JIM PICKETT (AMOCO OIL COMPANY)

Jim Pickett, Amoco Legal Department, addressed the Commission requesting that this case not be referred to the Attorney General's Office and that no penalty be sought. He described the work and testing that was done by the company in the last week, and he related that sampling results were faxed to DNR on Monday of this week. Mr. Pickett stated that they have no evidence in their files of any release occurring at the station. He stated that they are willing to promptly submit prior sampling results requested by the department, and to expedite the submission of an investigation plan and take any remedial action that might be necessary at the site. He explained why they had not responded sooner to the earlier correspondence. One of the reasons was that correspondence from DNR was sent to Amoco Oil in Kansas City, and that dealer had been transferred to St. Louis, and for some reason the correspondence was not forwarded to the St. Louis office. Mr. Pickett explained that until Amoco representatives met with DNR staff in January, 1989, his geologist had no idea this was a high priority site with DNR. He related that when the right people found that this had the priority that it has, they addressed it as quickly as possible. In conclusion, Mr. Pickett respectfully requested that this case not be referred.

A brief discussion of the issues took place.

Motion was made by Richard Hartsuck for referral to the Attorney General's Office. Seconded by James Earley. Motion carried unanimously.

PUBLIC PARTICIPATION

Chairperson Mohr announced public participation at 11:15 a.m.; no one requested to speak.

PREMIUM STANDARD FARMS CONTESTED CASE-APPEAL OF INTERVENOR, SAVE THE LEDGES COMMITTEE, OF ADMIN. LAW JUDGE RULING ON INTERVENTIO

Mike Murphy, Bureau Chief, Governmental Liaison Bureau, presented the following item.

Premium Standard Farms has appealed the denial by the department of a construction permit for a proposed anaerobic lagoon in connection with a proposed swine confinement feeding operation in Boone County. That appeal was consolidated with a related appeal, and set for hearing during the week of May 10, 1989. On or about April 7, 1989, Save the Ledges Committee, Inc. filed a Petition for Leave to Intervene in the appeal of the permit denial, which was resisted by Premium Standard Farms. On May 4, 1989, the Administrative Law Judge granted the Petition, i.e. allowed the intervention, but restricted the issues which the intervenor could raise. On May 19, 1989, the intervenor filed an appeal of that ruling, asserting that their ability to raise certain issues should not be restricted.

Copies of pertinent documents are attached. The parties will be present to argue their respective positions and answer any questions the Commission may have, and the Commission will decide whether to uphold the Judge's ruling or modify it. By agreement of the parties, the hearing scheduled for May 10 has been continued.

Mike Murphy briefed the Commission of the issues in this case. He informed the Commission that they could either grant Mr. Taylor's request to be given more opportunity to present issues and evidence into hearing, or they could uphold the Administrative Law Judge's decision that would restrict their ability to raise certain issues.

APPOINTMENT - WALLACE TAYLOR (Save the Ledges Committee)

Wallace Taylor, attorney for Save the Ledges Committee, stated that the permit denial was predicated on proximity of the proposed project to Ledges State Park, and he agrees with that. The Save the Ledges Committee consulted with Richard Handy, a professor from ISU, whose opinion is that there is a sandstone area beneath the site for the proposed hog facility. The

sandstone deposits are very adverse to the groundwater situation in terms of a lagoon being built on that particular area. Mr. Taylor stated that because of the information from Professor Handy, it is the feeling of the Save the Ledges Committee that intervention should include the issue of groundwater. He further stated that the inference of the Administrative Law Judge was that intervening would prolong the proceeding. It is Mr. Taylor's feeling that this intervention would not unduly prolong or otherwise prejudice the rights of the parties. Mr. Taylor stated that he does not see how evaluating the entire issues would prejudice the rights of Premium Standard Farms. He added that it is clear that if his clients are not allowed to present this evidence they would be adversely affected because protection of the groundwater is very important. The groundwater issue cannot be separated from the entire permit application. In conclusion, Mr. Taylor pointed out that the rules do not address which parameters are to be determined in intervention. Under the rules which the courts use for intervention it is found that the right to intervene is deemed to be very broad, that it should be legally construed to allow intervention to address all the issues or facts that need to be presented. There is a presumption in the law that intervention should be allowed and should be as broad as necessary to give the parties a chance to be heard, and for the judge to hear all of the issues.

APPOINTMENT - BOB GALBRAITH (Premium Standard Farms)

Bob Galbraith, attorney representing Premium Standard Farms, addressed the Commission stating that this is a legal procedural issue and there are actually two issues of concern here. First, does the Save the Ledges Committee even have the right to appeal that type of decision to this Commission. Mr. Galbraith pointed out that there are no statutes that provide for an appeal of this type of procedural decision to this Commission. He urged that on that procedural ground the Commission reject the attempted appeal by Save The Ledges Committee. The rule on intervention says in part that intervention can be granted only if the petitioner demonstrates both that there are common questions of law and fact, and that the intervention will not unduly delay the proceedings. Save the Ledges Committee has to demonstrate both of those requirements, and they have to show that they are not going to add new issues to the proceeding between the parties. He stated that if this group is let in to the proceedings, it will require technical information which has already been presented to the DNR and rejected by them. If this group is allowed to intervene, many of the depositions already taken will have to be taken again. In conclusion, Mr. Galbraith stated that it is a legal issue that the rules and statutes do not allow this type appeal, and even if the Commission deem that they do, the Save the Ledges folks are attempting to allow additional issues

into this proceeding which rule 7.10(5) of the DNR rules do not allow.

Mike Murphy covered the options the Commission could take in making a decision on this item.

Mr. Taylor commented that if this Commission does not feel it has jurisdiction, then he would have the right to go to district court, but it seemed more logical to bring it before this Commission.

Mike Earley inquired as to what would be in the best interest of the department.

Mr. Murphy stated that it is difficult to say, as he would not want to exclude the rights of any parties. It is the feeling of the department that the issues were thoroughly investigated and can be adequately presented by department staff.

Discussion followed regarding the Commission's authority in this case.

Motion was made by Clark Yeager to grant the Save the Ledges Committee appeal to intervene. Seconded by Mike Earley.

Chairperson Mohr requested a roll call vote. "Aye" vote was cast by Commissioners Earley, Ehm, Yeager, and Mohr. "Nay" vote was cast by Commissioners Hartsuck, King, Prahl, and Priebe. Motion failed with a vote of 4-Aye and 4-Nay.

Gary Priebe asked if the Save the Ledges Committee was involved in this case at any time prior to the present.

Mr. Murphy responded that they were involved at an informal level, to the extent that they could be, and now they want to stay involved at the formal level of the decision.

Gary Priebe stated that he would think that Premium Standard Farms and DNR staff would have the expertise to rectify this matter without anyone else being involved. He added that we always keep saying that our staff has the expertise to take care of this, and he feels it is time to let them do it.

Mr. Murphy stated that this is one of the issues, whether the staff adequately represents the interests of all those concerned.

Motion was made by Mike Earley that the decision of the Administrative Law Judge be overturned, and to allow the intervenor to intervene with respect to the issue of groundwater contamination. Seconded by Clark Yeager.

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Mr. Priebe commented that he is not sure the Commission has the authority to act on this, and that maybe the legal system should fight it out.

Mr. Murphy stated that we do not know what either party will do, no matter which way the Commission votes.

Vote on the motion by Mike Earley was unanimous.

REFERRALS TO THE ATTORNEY GENERAL (Continued)

Clinton Pallet Company

Mr. Murphy briefed the Commission on the history of this case.

Motion was made by Clark Yeager for referral to the Attorney General's Office. Seconded by Mike Earley. Motion carried unanimously.

Eagle Wrecking Company

Mr. Murphy briefed the Commission on the history of this case.

Motion was made by Gary Priebe for referral to the Attorney General's Office. Seconded by Margaret Prah. Motion carried unanimously.

Kirshna A. Birushingh

Mr. Murphy briefed the Commission on the history of this case.

Motion was made by Margaret Prah for referral to the Attorney General's Office. Seconded by Gary Priebe. Motion carried unanimously.

Aubrey Dean Lisle

Mr. Murphy informed the Commission that the penalty has been paid in this case, therefore the referral is withdrawn.

Winnebago Industries, Inc.

Mr. Murphy stated that after the litigation reports were mailed to the Commission, Winnebago and the department reached a settlement agreement, and referral is recommended to formally enter into a consent decree.

Motion was made by Margaret Prah for referral to the Attorney General's Office pursuant to the agreement reached between Winnebago and the department. Seconded by Gary Priebe. Motion carried unanimously.

Tonja Mobile Home Park

Mr. Murphy informed the Commission that the penalty has been paid in this case, therefore the referral has been withdrawn.

Ken Turner (Ft. Madison)

Mr. Murphy distributed a letter from David Sullen, attorney for Ken Turner, outlining Mr. Turner's attempts to do clean up in compliance with the consent order and describing numerous obstacles he faced. In concluding his letter he urged the Commission to delay referring this matter to the Attorney General in light of the continuing compliance by Mr. Turner.

Mr. Murphy reviewed the history of this case.

Motion was made by William Ehm for referral to the Attorney General's Office. Motion carried unanimously.

CONTESTED CASE DECISION, PROPOSED--MITCHELL BOARS & GILTS

James Combs, Division Administrator, Coordination and Information Division, presented the following item.

On January 30, 1989 the department issued Administrative Order 89-WW-05/89-FP-01 to Mitchell Boars & Gilts. That action assessed a \$1000 penalty and required certain actions with respect to this feedlot. That action was appealed and the matter proceeded to administrative hearing on May 3 and 5, 1989. The Administrative Law Judge issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on June 9, 1989. The decision affirmed and modified the Order.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Combs explained the Commission's authority for review of a contested case decision and the options they can take in making a decision on these cases.

No action was taken by the Commission; this has the effect of upholding the hearing officer's decision unless there is an appeal.

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CHAPTER 47--PRIVATE WELL SAMPLING AND ABANDONMENT GRANTS TO
COUNTIES, FY 90

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission approved grant allocations to 44 counties for well testing and 45 counties for well closure (a total of 47 counties) during their November 1988 meeting. Legislative changes contained in H.F. 778 amended the grant formula and provided an additional one year appropriation of \$300,000.

The total grant amount from the ag-management account remains the same but the distribution of funds increase from \$5,309 for Well Closure to \$7,953 and decrease from \$10,407 for water testing to \$8,133. The additional appropriations of \$300,000 will be divided equally to the 45 recipients and increase their grant awards for well closure by \$6,666. Grant amounts may change slightly upon verification of the actual monies. The Commission will be asked to approve these grant revisions.

(Table 1 shown on the following page)

TABLE 1
CHAPTER 47
GRANTS TO COUNTIES
FOR WELL SAMPLING AND ABANDONMENT

County	Exist. Programs			Grant Appl. for A-Testing B-Closing	Well Testing		Well Closing	
	Water Wells Chapt. 49	Onsite Disposal Chapt. 69	(1) Well Permits Chapt. 38		Grant Request Amount	Estimated Grant Amount	Grant Request Amount	Estimated Grant Amount
Adams (1)	X	X	X	A,B	\$14,700	\$ 8,133	\$10,300	\$14,619
Black Hawk	X	X		A,B	19,200	8,133	13,333	14,619
Brewer (1)	X	X	X	A,B	14,513	8,133	12,500	14,619
Calhoun (1)	X	X	X	A,B	20,000	8,133	13,050	14,619
Carroll (2)	X	X	X	A,B	20,880	8,133	13,344	14,619
Audubon (2)	X	X	X	A,B	17,373	8,133	10,675	14,619
Crawford (2)	X	X	X	A,B	17,373	8,133	10,675	14,619
Cedar (1)	X	X	X	A,B	13,992	8,133	11,545	14,619
Cerro Gordo	X	X		A,B	* 5,380	8,133	9,538	14,619
Cherokee	X	X	X	A,B	12,980	8,133	13,753	14,619
Chickasaw	X	X	X	A,B	* 9,509	8,133	12,982	14,619
Clayton	X	X	X	A,B	12,400	8,133	8,000	14,619
Clinton	X	X		A,B	21,000	8,133	13,333	14,619
Dallas	X	X	X	A,B	23,100	8,133	13,847	14,619
Delaware (1)	X	X	X	A,B	10,000	8,133	9,000	14,619
Des Moines	X	X	X	A,B	57,650	8,133	12,500	14,619
Dubuque	X	X	X	A,B	40,000	8,133	25,500	14,619
Fayette (1)	X	X	X	A,B	12,000	8,133	13,333	14,619
Franklin	X	X		B	---	---	13,591	14,619
Greene (1)	X	X	X	A,B	13,123	8,133	15,219	14,619
Guthrie (1)	X	X	X	A,B	\$27,900	\$ 8,133	26,666	\$14,619
Hamilton (1)	X	X	X	A,B	20,100	8,133	\$18,891	14,619
Hardin	X	X	X	A	14,415	8,133	---	---
Henry	X	X	X	A,B	44,830	8,133	37,500	14,619
Howard	X	X	X	A,B	14,000	8,133	7,950	14,619
Humboldt (1)	X	X	X	A,B	* 9,670	8,133	* 4,483	14,619
Ida	X	X	X	A,B	* 8,165	8,133	* 4,000	14,619
Iowa	X	X	X	B	---	---	6,400	14,619
Jackson (1)	X	X	X	A,B	31,040	8,133	18,180	14,619
Jasper (1)	X	X	X	A,B	22,050	8,133	14,820	14,619
Johnson (1)	X	X	X	A,B	* 7,000	8,133	* 4,000	14,619
Lee (1)	X	X	X	A,B	16,500	8,133	14,000	14,619
Linn	X	X	X	A,B	55,800	8,133	13,200	14,619
Mahaska (1)	X	X	X	B	---	---	20,000	14,619
Mills	X	X	X	A,B	*10,000	8,133	* 5,000	14,619
Mitchell	X	X		A,B	23,148	8,133	6,200	14,619
Montgomery	X	X	X	A,B	11,026	8,133	5,500	14,619
Muscatine (1)	X	X	X	A,B	17,440	8,133	9,600	14,619
Palo Alto	X	X		A,B	14,415	8,133	18,750	14,619
Poweshiek	X	X		A,B	19,190	8,133	16,000	14,619
Sac (1)	X	X	X	A,B	12,395	8,133	13,025	14,619
Scott (1)	X	X	X	A,B	82,331	8,133	27,790	14,619
Taylor	X	X	X	A,B	35,000	8,133	14,100	14,619
Van Buren	X	X	X	A,B	* 4,290	8,133	12,125	14,619
Wapello	X	X	X	A,B	22,035	8,133	6,667	14,619
Webster (1)	X	X	X	A,B	10,525	8,133	16,000	14,619
Winnebiek (1)	X	X	X	A	* 8,300	8,133	---	---
TOTALS				A - 44 B - 45		\$357,852		\$657,855

(1) Permit delegation authority.

(2) Multiple county application.

(*) County has requested additional funds if available.

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Mr. Stokes distributed a copy of the table showing the amount of grants to each of the counties receiving grants. He explained the program and the recommended grant revisions.

Motion was made by Margaret Prah1 to approve Chapter 47--Private Well Sampling and Abandonment Grants to Counties-FY 90 Revisions, as presented. Seconded by Gary Priebe. Motion carried unanimously.

Charlotte Mohr distributed a map, prepared by the Scott County Board of Health, showing how this grant money was spent in Scott County. She asked if this type of map or report could be required of all grant recipients.

Mr. Stokes stated that reports will be submitted from each grant recipient and this information will be integrated in a report at the end of the year.

BUDGET OVERVIEW - FY 90

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The recent session of the Iowa General Assembly passed many bills which will affect the DNR's FY1990 budget. At this point, the Governor has not yet signed all of them, and the staff has not completed determining all of the implications of this legislation. Following is a general summary based on our current understanding. Additional information, as available, will be provided at the Commission meeting.

General Operations: It appears that the general operating budget and related staffing will be similar as compared to FY1989. Staffing and budget were approved for operation of the Loess Hills Pioneer State Forest. The general operations appropriation also included funding for the Nashua Dam, study of a proposed visitor center at Lake Rathbun, and a study of the City of Winterset's water system. Also included in the General Operations appropriation was a special item of \$300,000 for well-closing grants to supplement the funds available in the Groundwater Program.

With the salary adjustment, the overall General Fund appropriation for General Operations, excluding the "special items," is approximately \$12,599,800. The previous General Fund appropriation for FY89 was \$11,780,425.

Within the Groundwater program, the G.A. decreased the percentage of the Agricultural Management Account allotted for Rural Well Testing Grants by 5.5% from 23% to 17.5%, and increased the

amount for grants to counties for well-closing by the same percentage.

\$600,000 was appropriated from Oil Overcharge funds for five additional model farm demonstration projects similar to the current Big Springs project. \$500,000 was appropriated for energy planning data base aspects of the Geographic Information System. The remaining actions related to Groundwater and Oil Overcharge funds essentially continued the existing programs.

The G.A. appropriated \$400,000 from surplus FY89 Lottery revenues for additional Toxic Waste Cleanup Days.

The REAP (Resource Enhancement and Protection) program was funded with a \$5 million General Fund appropriation from the 1989 fiscal year, a \$2 million General Fund appropriation from the 1990 fiscal year, and approximately \$8 million from fiscal year 1990 Lottery revenues. Approximately 37% of these funds will be used to fund Open Spaces acquisition and development or renovation of a number of State areas. County Conservation Boards and Cities will receive 35% for local acquisition and development programs. 20% was allotted to DALS for Soil and Water enhancement programs. The remainder was allotted for Historical, Educational and Administrative costs.

The G.A. also established a \$20 million standing General Fund appropriation starting in fiscal year 1991 to continue the REAP Program.

General hunting and fishing licenses were not increased. This means that the cash balance in the Fish and Wildlife Trust fund will become a critical issue toward the beginning of FY1991, but no immediate impacts are anticipated. The non-resident deer and turkey bill hunting license bill was passed. The Habitat Stamp fee was increased from \$3 to \$5.

The Park User Fee was repealed and the fund balance transferred to the REAP program. It is anticipated that the User Fee projects will be continued, as possible, under that program.

Agency staff is currently completing work on the fiscal year 1990 operations, special project and capitals budget. This will be presented to both commissions when completed, either in July or August.

William Ehm requested that staff give an explanation of the Big Springs project. This will be put on next month's agenda.

This was an informational item; no action was required.

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LEGISLATION UPDATE

James Combs, Division Administrator, Coordination and Information Division, presented the following item.

SUMMARY OF 1989 LEGISLATION

PERTAINING TO

IOWA DEPARTMENT OF NATURAL RESOURCES

June 1989

Larry J. Wilson, Director



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Open Meetings Law	HF 847	10
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Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
HF 6	109.38.2	HUNTING LICENSES TO LANDOWNERS AND TENANTS FOR DEER AND WILD TURKEY - ONR by rule may authorize issuance of free landowner-tenant gun deer-hunting licenses to persons purchasing a regular deer-hunting license.					
	110.24	- Two free deer or wild turkey hunting licenses, or both will be provided upon request for each farm unit. The farm unit owner or a member of the owner's family is eligible for one free license or set of licenses and the tenant of the farm unit or a member of the tenant's family is eligible for the other one.					
HF 88		NONRESIDENT HUNTING LICENSES FOR DEER AND TURKEY					
	110.1.2	- Cost of nonresident deer hunting license is \$100. - Cost of nonresident wild turkey hunting license is \$50.					
	110.7	- Nonresident deer and wild turkey hunters are required to have a wildlife habitat stamp. - Number of nonresident wild turkey hunting licenses is limited to 500 in 1989.	1989				
		- Number of nonresident deer hunting licenses is limited to 1,000 in 1989.	1989				
	109.38	- Number of licenses available in subsequent years shall be determined as provided in section 109.38. However, nonresident deer hunting licenses shall not be issued for a zone that has less deer population than 110% of the number of deer for a biological balance.					

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NATURAL RESOURCE BILLS

Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
HF 88 (cont.)		- Hunting zones for wild turkey must be the same as for deer.					
		- Nonresidents applying for a wild turkey or deer hunting license must exhibit proof of having successfully completed a hunting safety and ethics program.					
		- Reciprocity for fees - A nonresident may purchase a license to hunt in Iowa for same fee as a nonresident can hunt in his or her state. However, the fees shall not be less than specified in section 110.1.2, paragraphs "a" and "f"					
		- Revenue received from nonresident deer and wild turkey hunting licenses shall be used to employ and maintain additional full-time conservation officers. The goal is to have one full-time conservation officer assigned to each county.					
		- Excess moneys shall be used to pay overtime to full-time conservation officers.					
HF 124	110.1.6.h	WILDLIFE HABITAT STAMP FEE INCREASE - The fee for a wildlife habitat stamp is increased to \$5, which is a \$2 increase.					
HF 141	111A.4.2 and	ELIMINATION OF NR COMMISSION APPROVAL FOR CCB LAND ACQUISITION AND DEVELOPMENTS					
	111A.4.3	- CCBs no longer need NR Commission approval for land acquisition and development projects. - CCBs are required within one year to file with the NR Commission all acquisitions or exchanges of land.					

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1989 GENERAL ASSEMBLY
NATURAL RESOURCE BILLS

Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
HF 165		COUNTY CONSERVATION BOARDS TO GRANT LAW ENFORCEMENT POWERS TO ITS DIRECTOR AND EMPLOYEES					
	111A.5	- Boards may designate its director and employees to enforce: (1) all laws upon all property under its control within and without the county; (2) provisions of Chapters 106, 109, 110, 111, and 321G on land not under its control within the county.					
HF 166	111A.4.7	EXCLUSIVE USE OF CCB PARKS					
		- CCBs shall not allow the exclusive use of a park by one or more organizations.					
HF 196		COMMERCIAL FISHING OPERATOR'S LICENSE					
	109B.4.1	- Only one individual of a commercial fishing crew on site is required to have an appropriate, valid commercial license, or a designated operator's license. Previously, each crew member needed a license.					
	109B.4.2	- A designated operator's license shall not be assigned to more than 3 operators a year, and a license is only valid for one operator at any given time.					
	109B.11.1	- An individual possessing a valid commercial turtle license may have one unlicensed assistant.					
	109B.12.1	- An individual possessing a valid commercial mussel license may have one unlicensed assistant.					

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1989 GENERAL ASSEMBLY
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Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
HF 319	357E.3.1	BENEFITED RECREATIONAL LAKE DISTRICT					
		- Petition for supervisor action requires signatures from 25% of the property owners of the proposed district, as composed to 25% of resident property owners in a proposed district. Effective immediately.					
HF 372	455A.5.6 and 455A.6.6	BUDGET APPROVAL BY N.R. AND E.P. COMMISSIONS					
		- Commissions given equal authority to approve budget request by the director within their areas of responsibilities and each may increase, decrease, or strike any item.					

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Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
HF 447	455B.474	<p>PETROLEUM UNDERGROUND STORAGE TANKS</p> <ul style="list-style-type: none"> - DNR shall issue an exemption certificate for tanks not regulated by Chapter 455G, which means they are not subject to federal financial responsibility rules. - DNR shall revoke exemption and require the return of the certificate for tanks that become subject to Chapter 455G. - Mandates that copies of approved assessment plans be sent to owners - Waste Management Authority (WMA) shall designate at least two facilities within the state for the acceptance of used tanks for final disposal. Once two sites are designated, tanks are prohibited from all other landfills. - WMA shall adopt rules to govern operations for tank disposal by designated facilities. - DNR will administer the state storage tank program and other programs which reduce potential harm to the environment and public health from storage tanks. - DNR Director or Director's designee serves on the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board (board). Other board members include the Treasurer of State or the Treasurer's designee, the Commissioner of Insurance or the Commissioner's designee, and two public members appointed by the governor. - DNR Director shall cooperate with the board. 			Up to \$350,000		

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1989 GENERAL ASSEMBLY
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Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
HF 447 (cont.)		<ul style="list-style-type: none"> - The board shall adopt administrative rules and it has program administration responsibilities. - Rules necessary for implementing and collecting environmental charges shall be adopted on or before June 1, 1989. - The board may contract the DNR and other entities or individuals to help implement the program. - DNR shall adopt approved curricula for training persons to conduct corrective actions on tanks as required by DNR. 					

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Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
HF 477	321G	ALL-TERRAIN VEHICLES					
		<ul style="list-style-type: none"> - All-terrain vehicles are referenced throughout the legislation in addition to snowmobiles. - All-terrain vehicle is defined as a motorized flotation-tired vehicle with 3-6 tires, less than 800 cc engine, weighs less than 750 pounds, a straddle seat, and handlebars for steering. 					
	321G.2	<ul style="list-style-type: none"> - Rules adopted by NR Commission may reference game and fish habitats, in addition to game and fish resources. - NR Commission may adopt rules to establish a program of grants, subgrants, and contracts to be administered by DNR for development and delivery of certified courses of instruction for the safe use and operation of all-terrain vehicles and snowmobiles by political subdivisions and incorporated private organizations. 	1/1/90				
	321G.3	<ul style="list-style-type: none"> - All all-terrain vehicles used on public land must be registered within six months following the effective date of this act. - Money collected for registration fees shall be placed in a special conservation fund for all-terrain vehicle and snowmobile programs. Two separate accounts will be established, one for all-terrain vehicles and one for snowmobiles. Joint programs will be charged to the respective account at a ratio equal to respective usage. - At least 30% of the special fund shall be available for political subdivisions or incorporated private organizations, or both. 					
	321G.3.4	<ul style="list-style-type: none"> - All-terrain vehicles shall not be operated on snowmobile trails, except when designated by controlling authority and the primary snowmobile trail sponsor. 					

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1989 GENERAL ASSEMBLY
NATURAL RESOURCE BILLS

Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
HF 477 (cont.)		<ul style="list-style-type: none"> - A person 12 - 15 years of age possessing a valid safety certificate must be under direct supervision of a parent, guardian, or another adult authorized by the parent or guardian. 					
	321G.12	<ul style="list-style-type: none"> - Every all-terrain vehicle operated during hours of darkness shall display a lighted head lamp and tail lamp. Every snowmobile must be equipped with at least one head lamp and tail lamp. 					
		<ul style="list-style-type: none"> - Every all-terrain vehicle and snowmobile shall be equipped with brakes which conform to standards prescribed by Director of DOT. 					
	321G.22	<ul style="list-style-type: none"> - Public lands are added to liability limits verbage. 					
	321G.27	<ul style="list-style-type: none"> - County recorder shall collect a writing fee of \$1 for an all-terrain vehicle or snowmobile registration. 					
	106.34A	<ul style="list-style-type: none"> - A person shall not operate a motor vehicle in any of the following: <ul style="list-style-type: none"> a. any portion of a meandered stream b. any portion of the bed of a nonmeandered stream c. any portion of a stream identified as trout stream. - Ford crossings of public or private roads are allowed for agricultural purposes, operation of construction vehicles, and repair or maintenance in a stream bed. - Operation of motor vehicles are allowed on ice. - DNR shall adopt rules that identify navigable streams and rivers in which a motor vehicle may be operated. - DNR may exempt participants of organized special events from prohibition of operating motor vehicles in waterways. 					

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Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
HF 480	109.95	LICENSING OF FUR DEALERS - LOCATION PERMITS - Requires fur dealers to have a location permit for each location of business.					
	110.1.5	- Location permit fee for fur dealers are: resident - \$25 nonresident - \$50					
HF 598	455B.173	TESTING OF PUBLIC WATER SYSTEMS - Adopt rules requiring public water systems to test their water supply for not more than 10 synthetic organic chemicals and 10 pesticides every 2 years. - High priority for testing during first year given to public water supplies not analyzed within past 5 years (since 1964). - Analysis available to private wells and privately owned public water supplies for a cost not to exceed \$195 for the first year. - DNR to submit report to General Assembly by September 1 of each year.					

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1989 GENERAL ASSEMBLY
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Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
HF 623		COMPREHENSIVE MANAGEMENT PLANS WITH OWNERS OF HIGHLY ERODIBLE LAND (DALS PROGRAM)					
		- DALS shall request assistance from federal ASCS and SCS to investigate methods along with landowners to preserve land which is highly erodible as provided in the 1985 Farm Bill.					
		- DALS shall report the progress on the investigations to the Governor and G.A. by Jan. 15, 1990.	1/15/90				
HF 647		- DALS shall report to Governor and G.A. by Jan. 15, 1991 on recommendations for programs necessary to preserve highly erodible land from injury and destruction.	1/15/91				
		OPEN MEETINGS LAW					
	21.2.1	- Advisory boards, advisory commissions, and task forces created by the Governor or the General Assembly to develop and make recommendations on policy issues are included in definition of government bodies and are thus subject to the open meetings law.					
HF 660	21.10-	- Appointed and elected members of government bodies shall be provided with information on the open meetings law.					
	93.7	MONTHLY FUEL SURVEYS					
		- Perform monthly statewide motor fuel price surveys. - Perform monthly city motor fuel price surveys in cities with populations over 50,000. - Survey results to be published in a monthly press release.					

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1989 GENERAL ASSEMBLY
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Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
HF 665	110.24	FREE FISHING LICENSE - RESIDENTS OF HEALTH CARE FACILITIES (CHAP. 135C) AND JUVENILE SHELTER CARE HOMES (CHAP. 232) - Above referenced groups included in addition to patients of substance abuse facilities.					
HF 669	317.25	PURPLE LOOSESTRIFE AND MULTIFLORAL ROSE - Purple loosestrife and multiflora rose, or seeds of them, shall not be sold or distributed. These two plant species are added to the existing prohibition on fessel sales. - Multiflora rose may be sold when used for understock for cultivated roses or ornamental gardens.					
HF 687	109B.4.6h	ELIMINATION OF NONRESIDENT COMMERCIAL MUSSEL LICENSE - Deleted Code of Iowa paragraph 109B.4.6h					

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1989 GENERAL ASSEMBLY
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Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
HF 722	455B.490	INFECTIOUS WASTE MANAGEMENT - DNR shall institute an infectious waste management program in cooperation with Iowa Department of Public Health - The program shall include: (1) recommendations to EP Commission for revisions of rules which refer to infectious waste as hazardous or toxic waste; (2) initiation of information and education efforts regarding current requirements for proper disposal of infectious waste in landfills; (3) an inventory and associated report on the number of infectious waste generators and the amount generated shall be submitted to G.A. by no later than Jan. 15, 1991; (4) Upon completion of the inventory, DNR shall recommend for EP Commission adoption standards for on-site and off-site treatment of infectious waste. Several factors are listed that shall be considered while standards are developed. Standards shall also include monitoring and staff training of infectious waste treatment facilities; (5) DNR shall undertake a public information program, in conjunction with Iowa Department of Public Health and public health care providers, on state and private efforts to manage infectious wastes.	1/15/91				
HF 723	312.2.9	INTEGRATED ROADSIDE VEGETATION MANAGEMENT (DOT PROGRAM) - Living Roadway Trust Fund is created under Section 314.21 (DOT). - The Integrated Roadside Vegetation Management Technical Committee shall have a member representing the DNR. - 3% of the REAP fund is allocated to the Living Roadway Trust Fund.					

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Bid No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
HF 753	455D	WASTE VOLUME REDUCTION AND RECYCLING					
		- Goal — reduce the amount of materials in the waste stream, existing as of July 1, 1988, 25% by July 1, 1994, and 50% by July 1, 2000.	7/1/94 & 7/1/00				
	455B.481 and 455B.301A	- DNR shall establish a statewide waste reduction and recycling network to promote waste management policy in section 455B.481 and the waste management hierarchy in section 455B.301A. Several elements to be included in the network are listed.					
		- DNR Director has following duties:					
		a. Recommend rules to EP Commission for waste volume reduction and recycling. Initial recommendations to be made by July 1, 1991.	7/1/91				
		b. Seek, receive, and accept funds from a variety of sources for deposit in the waste volume reduction and recycling trust fund.					
	455D.15	c. Administer and coordinate the waste volume reduction and recycling fund.					
		d. Enter into contracts and agreements as necessary to help carry out DNR duties in this chapter. EP Commission approval required for contracts over \$25,000.					
		e. Submit a report to the G.A. by July 1, 1990 characterizing Iowa's waste stream and containing a strategy for managing each major component.	7/1/90				
		f. Develop a strategy and recommend rules by Jan. 1, 1990 for EP Commission adoption necessary to implement that strategy for white goods and waste oil.					
		g. Provide financial assistance to entities interested in developing and implementing markets and industries in Iowa that will support and complement waste reduction and recycling.					
		h. Study technology available for reclaiming refrigerant.					

1989 GENERAL ASSEMBLY
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B# No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
HF 753 (cont.)	17A	<p>1. Identify products made from recycled or recovered materials and provide the list to all state agencies for incorporation into procurement specifications. Monitor and analyze, in cooperation with Dept. of General Services, use of these materials by state agencies. DNR shall publish information on products successfully used, and provide to all state agencies and city and county purchasing agencies.</p> <p>- EP Commission has following duties:</p> <ul style="list-style-type: none"> a. Adopt rules to implement this chapter. Initial rules shall be adopted by April 1, 1992. b. Prohibit land disposal of specific components of the waste stream. c. Establish by rule standards for acceptance of recyclable or reusable products at redemption centers. d. Recommend to the G.A., annually, the imposition of waste abatement fees, rebates, and deposits on elements of the waste stream not being properly managed through market-driven or publicly supported programs. <p>- Beginning Jan. 1, 1991, land disposal of yard waste is prohibited, except when the waste is separated and accepted by a sanitary landfill for soil conditioning and composting.</p> <p>- Cities and counties by July 1, 1990 shall require persons to separate yard waste.</p> <p>- DNR shall develop rules which define yard waste and provide for safe, proper composting.</p> <p>- Incineration of yard waste at a sanitary disposal project is prohibited.</p> <p>- Land disposal of lead acid batteries is prohibited beginning July 1, 1990. Retailers and wholesalers of lead acid batteries must establish a system to receive and recycle used batteries.</p>	4/1/92	Annual			
			1/1/91				
			7/1/90				
			Before 7/1/90				
			7/1/90				

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Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
HF 733 (cont.)	321 & 329	- Beginning Jan. 1, 1990, an environmental assessment fee of \$1 per vehicle will be collected at the time vehicles are registered. (VETOED)	1/1/90				
	423.24 and 423.7	- Beginning Jan. 1, 1990, the same amount of money that is deposited in the road use tax fund shall be deposited into the waste volume reduction and recycling fund from the road use tax receipts collected under Section 432.7. One-half of this money shall be allocated to counties based on the same ratio as vehicle registration fees. Counties shall file an annual report with DNR that delineates the waste reduction and recycling projects funded with environmental assessment fee monies. (VETOED)	1/1/90				
		- Land disposal of waste tires is prohibited beginning July 1, 1991, unless the tire has been processed in a manner established by the DNR.	7/1/90				
		- DNR shall conduct a study and make recommendations to G.A. by Jan. 1, 1991 concerning a waste tire abatement program. Several study elements are listed.	1/1/91				
		- DNR shall determine the number of waste tire stockpiling facilities necessary and develop rules for their operation.	Soon after 1/1/91				
		- DNR shall administer a waste tire stockpiling facilities permit program.					
		- DNR shall provide financial assistance for establishment of recycling and processing sites for waste tires. No assistance to be provided to incineration facilities. (VETOED, second sentence only)					
		- Beginning July 1, 1992, all plastic bottles and rigid plastic containers distributed or sold shall be labeled with a code indicating the plastic resin used to produce them. The label design and codes are specified in the Act.	7/1/92				
		- DNR shall maintain a list of the label codes and provide to any person upon request.					

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1989 GENERAL ASSEMBLY
NATURAL RESOURCE BILLS

Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
HF 733 (cont.)		- Penalty for violation of plastic container labeling is a civil penalty of not more than \$500 per violation.					
		- A sanitary landfill shall not accept waste oil for final disposal beginning July 1, 1990.	7/1/90				
		- Retailers selling oil must at the point of sale accept waste oil from customers or post notices of locations for waste oil disposal. They must also post a notice that disposing oil in landfills is unlawful.					
		- Plastic foam packaging products or food service items manufactured with chlorofluorocarbons are prohibited beginning Jan. 1, 1990.	1/1/90				
		- Plastic foam products manufactured with fully halogenated chlorofluorocarbons are prohibited beginning Jan. 1, 1990.	1/1/90				
		- A Waste Volume Reduction and Recycling Fund is created in the state treasury. Any unexpended balance and interest and earnings on investments remain in the fund.					
		- DNR shall award grants based upon the solid waste management hierarchy.					
		- The Waste Volume Reduction and Recycling Fund shall be used for the following purposes:					
	455B.116	a. first \$35,000 for establishing a pollution hotline and salary and support of not more than 1 FTE position.		1			
		b. provide financial assistance for developing and implementing waste reduction programs for Iowa industries.					
		c. provide financial assistance for developing and implementing programs to create and enhance markets for recyclable and other waste products.					
		d. develop and implement education and technical assistance programs.					

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Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
HF 753 (cont.)		<p>a. administer provisions of Chapter 45B, Division IV, part 1 (Solid Waste Disposal).</p> <p>f. DNR may utilize up to 10% to administer provisions of Chapter 45SD.</p> <p>g. provide grants to local communities or private individuals for recycling collection centers, local curbside collection of separated recyclable wastes, promote public awareness, and create markets for recyclable materials.</p> <p>h. provide technical assistance to local communities for collection systems and yard waste composting facilities.</p> <p>i. fund the waste tire abatement study.</p> <p>j. carry out DNR functions concerning recycling.</p> <p>k. promote recycling of chlorofluorocarbons used as refrigerant.</p> <p>- DNR, in cooperation with businesses involved in manufacturing and use of packaging products or food service items, establish a program to increase recycling of packaging products. Following goals are established:</p> <p>a. 25% increase in recycling products by Jan. 1, 1992.</p> <p>b. 50% increase by Jan. 1, 1993.</p> <p>If goals are not reached, the packaging products will be prohibited beginning Jan. 1, 1994.</p> <p>- A person shall not sell a disposable plastic bag or packaging material that does not comply with labeling designed to inform users of the product's degradability.</p> <p>- Effective July 1, 1992, land disposal of nondegradable plastic grocery bags or trash bags is prohibited, unless DNR determines that degradable plastic bags pose an environmental hazard.</p> <p>- Dept. of General Services (DGS) Director shall incorporate several material and product recycling considerations in purchasing and contracting rules.</p>	<p>1/1/92</p> <p>1/1/83</p> <p>1/1/94</p> <p>7/1/92</p>				
	18.6						

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1989 GENERAL ASSEMBLY
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Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
HF 753 (cont.)	16.18	- DGS, in conjunction with DNR recommendations, shall purchase and use recyclable printing and writing paper in the following percentages and by the following dates: a. 25% by Jan. 1, 1990 b. 50% by Jan. 1, 1992 c. 75% by Jan. 1, 1996 d. 90% by Jan. 1, 2000	1/1/90 1/1/92 1/1/96 1/1/00				
	18. par. 2	- DGS in accordance with DNR recommendations, shall require all state agencies to establish an agency wastepaper recycling program by Jan. 1, 1990. - Each agency shall submit a report to the G.A. in Jan. 1990 that describes its wastepaper recycling program.	1/1/90 Jan-90				
	262.9, 307.21, & 801L3	- All institutions governed by the Board of Regents, the DOT, and the Dept. of the Blind shall also implement the paper recycling and polystyrene products reduction programs per DNR recommendations.					
	455B.116	- DNR shall establish a toll-free telephone number to allow citizens to report incidents resulting in environmental pollution or other damage to natural resources.					
	455B.304	- EP Commission shall adopt rules for certifying operators of solid waste incinerators.					
	455B.305	- Language in permit requirements for sanitary landfills is broadened to include all disposal projects, as well as stating that applicants must plan for disposal projects in conjunction with all local governments using the sanitary disposal project.					
	455B.306	- All cities and counties shall file with the DNR a comprehensive plan for solid waste reduction program for its residents.					

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Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
HF 753 (cont.)	455B.314	- Beginning Jan. 1, 1990, sanitary disposal projects that include incineration shall separate materials that are recyclable or reusable.	1/1/90				
	455C.18	- Beginning July 1, 1990, final disposal of beverage containers by a dealer, distributor, or manufacturer, or a person operating a redemption center, in a sanitary landfill is prohibited.	7/1/90				
	455E.11	- The first \$100,000 of funds collected pursuant to Section 455F.7 (Household Hazardous Materials Permit) shall be deposited in the Waste Volume Reduction and Recycling Fund, rather than in the General Fund, to be used by DNR to provide financial assistance to counties in investigations of complaints.			\$100,000		
	455B.489	- The Waste Management Authority Fund is eliminated. - It is the intent of the G.A. that the DNR make recommendations to state agencies regarding policies which conflict with the Waste Volume Reduction and Recycling Program. All agencies shall amend their respective rules to eliminate conflicts.					

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1989 GENERAL ASSEMBLY NATURAL RESOURCE BILLS

Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
HF 769	455A	<p>IOWA RESOURCES ENHANCEMENT AND PROTECTION FUND (REAP)</p> <ul style="list-style-type: none"> - Policy statement — protect Iowa's natural resource heritage via a long-term integrated effort to wisely use and protect natural resources through: <ul style="list-style-type: none"> a. acquisition and management of public lands b. upgrading public park and preserves facilities c. environmental education, monitoring, and research d. and other environmentally sound means. - REAP Congress — The DNR Director shall biennially, on even-numbered years, schedule and arrange for an Iowa Congress on REAP to be held within the state capitol complex during the summer months. The DNR Director shall call the Congress and serve as temporary chairperson. - REAP Assembly — Prior to each REAP Congress, the DNR Director shall make arrangements to hold an assembly in each of the 17 Council of Government regions for persons interested in REAP. The DNR Director shall call each assembly and serve as temporary chairperson. DNR shall provide assemblies with information on REAP expenditures. The assemblies shall identify REAP opportunities, and review and recommend changes in REAP policies, programs, and funding. Each assembly shall elect 5 persons to serve as delegates to the REAP Congress. - REAP Congress shall organize, discuss, and make recommendations regarding REAP to the Governor, G.A., and NR Commission. Each Congress delegate is entitled to a per diem of \$40 for expenses while attending the Congress. - DNR expenses for arranging and conducting Assemblies and Congresses and per diem allowances for Congress delegates shall be paid from funds appropriated for this purpose. 	<p>Summer 1990, 92, 94, etc.</p> <p>Before convening of Congress</p>				

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Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
HF 789 (cont.)		<ul style="list-style-type: none"> - A REAP fund is created in the Office of the Treasurer of the State. DNR Director shall certify monthly the portions of the fund that are allocated to various accounts. This certification must occur before the 20th day of each month for the previous month's allocations. Interest and other earnings of the REAP fund shall be credited back to the REAP fund. - Allocation of REAP funds: <ul style="list-style-type: none"> a. The first \$350,000 of funds deposited shall annually be allocated to the Conservation Education Board. b. 1% of REAP revenue receipts shall be deducted and transferred to the DNR administration fund. The remaining receipts shall be allocated as follows: <ul style="list-style-type: none"> c. 28% to the Open Spaces Account, of which: <ul style="list-style-type: none"> - at least 10% shall be available to match private funds for open space projects. Private funds shall contribute at least 25% of the project money. DNR shall adopt rules for the public-private open space project cost-sharing program. - 5% shall be used for the Protected Water Areas Program. - DNR can also use funds for developments on state property. - A public hearing must be held for projects exceeding a cost of \$2 million. - Political subdivisions shall be reimbursed for property tax dollars lost to open space acquisition. - An open space appropriation shall continue in effect for 2 fiscal years after the fiscal year in which the appropriation was made, or until the completion of the project. - Unencumbered or unobligated funds shall revert to the open space account. 	20th day of each month				
	256.33						
	107.17						

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1989 GENERAL ASSEMBLY
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Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
HF 789 (cont.)		<ul style="list-style-type: none"> d. 20% to the County Conservation Account, of which: <ul style="list-style-type: none"> - 30% shall be allocated annually to each county equally. - 30% shall be allocated to each county on a per capita basis. - 40% shall be held in the state treasury for NR Commission to award to counties on a competitive basis. Local matching funds are not required for these grants. A project planning and review committee shall be comprised of 2 DNR staff, 2 CCB directors appointed by the DNR director, and a 5th member selected by majority vote of the DNR Director's appointees. NR Commission shall adopt rules for application, review, and selection of projects. Upon recommendation of the project planning and review committee, the DNR Director shall award grants. - Expenditures of the REAP County Conservation account are not allowed for single or multipurpose athletic fields, baseball and softball diamonds, tennis courts, golf courses, and other group or organized sport facilities. - REAP funds provided to counties shall not be cause for counties to reduce or replace county tax revenues appropriated for county conservation purposes. - DNR may use funds from the REAP County Conservation account to administer the REAP county allocations and grant programs. - Counties can use REAP funds as match with other state and federal funds. e. 20% to the Soil and Water Enhancement Account to be administered by rule by the Soil Conservation Division of DALS. 					

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Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
HF 789 (cont.)		<p>f. 15% to the Cities' Parks and Open Space Account.</p> <ul style="list-style-type: none"> - Funds to be allocated on a competition grant basis per rules established by NR Commission. - Expenditures are not allowed for single or multipurpose athletic fields, baseball and softball diamonds, tennis courts, golf courses, and other group or organized sport facilities. - NR Commission rules shall provide for 3 categories of cities based on population within which cities shall compete for grants. - DNR may use funds from the REAP Cities' Parks and Open Spaces account to administer the grants program. <p>g. 9% to the State Land Management Account for maintenance and expansion of state lands and related facilities under DNR jurisdiction.</p> <p>h. 5% to Historical Resources Grant and Loan Fund administered by Dept. of Cultural Affairs.</p> <p>i. 3% to the Living Roadway Trust Fund for development and implementation of integrated roadside vegetation plans.</p> <p>- Funds in the REAP account shall not revert to any other fund and funds remaining in REAP account shall not be considered in making allotments for the next fiscal year.</p>					
	303.16						
	314.21						

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1989 GENERAL ASSEMBLY NATURAL RESOURCE BILLS

Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
HF 789 (cont.)		<p>- A County Resource Enhancement Committee is created in each county with the following representation:</p> <ul style="list-style-type: none"> a. Board of Supervisor b. County Conservation Board c. Soil and Water District Commission d. Board of Directors of each school district e. Mayors of cities, or designee f. Farm organizations (5 are specifically listed) g. Wildlife or conservation organizations (8 are specifically listed) <p>- County Resource Enhancement Committees shall propose a 5-year county and cities REAP program, which includes a 1-year proposed expenditure plan. The proposals and plan shall be submitted to DNR.</p> <p>12.46 - State-sponsored credit card program will be developed and administered by the state treasurer. Proceeds of the program shall be deposited in the Iowa REAP fund</p> <p>15.273 - Dept. of Economic Development (DED) shall assist DNR in promoting areas under DNR jurisdiction. DNR shall provide DED with brochures and other information materials to be disseminated at welcome centers, sports and vacation shows, direct information requests, etc.</p> <p>111A.12 - A County Conservation Board (CCB) may establish an Iowa County Beautification Program to encourage prevention and cleanup of litter in public areas. Financial assistance is available for the Beautification Program from the REAP County Conservation Account.</p>					

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Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
HF 768 (cont.)	256.33	- A Conservation Education Program Board is created in the Dept. of Education. Board membership includes one appointment each by: a. Dept. of Education Director b. DNR Director c. President of the Iowa Association of County Conservation Boards. Board duties are to revise and produce conservation education materials and to specify stipends to Iowa educators who participate in innovative conservation education programs.					
	303.167	- Historical Resource Grant and Loan Fund is established in Dept. of Cultural Affairs, of which 10% of the funds, not to exceed \$75,000, can be used for administering the grant and loan program.					
	422.69	- Dept. of Revenue and Finance shall estimate Iowa's portion of the federal windfall profits tax associated with state corporate income taxes proclaimed by the U.S. Supreme Court to not be a federal income tax. The amount of money equivalent to the estimate shall be deposited into the REAP fund. The transfer of state corporate income taxes collected is effective on the effective date of this Act.					
	467F.4	- Divides the Water Protection Fund administered by the Division of Soil Conservation in DALS into two accounts: (1) water quality protection account and (2) water protection practices account. Added language also establishes guidelines for administering the accounts. - The Act is deemed of immediate importance and takes effect upon enactment.					

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Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
HF 778		DNR APPROPRIATIONS - FY JULY 1, 1989 TO JUNE 30, 1990					
		- Salaries, support, maintenance purposes, and for not more than 973.1 FTEs.				\$12,850,534	
		- ES II position for developing preserves management plans (VETOED).		1		\$30,000	
		- Erosion control and repair of damaged trails in state parks.				\$78,000	
		- General maintenance in state parks.				\$51,226	
		- Purchase of computer equipment in Forestry Division field offices.				\$30,000	
		- Salary and support of a forestry coordinator and development of promotional materials for the forest renewal program.		1		\$50,000	
		- Salary and support of an EE II to implement the state flood plain mapping program and other responsibilities as determined by DNR Director.		1		\$37,500	
		- Reimbursement to the Auditor of State for the annual DNR audit. However, if state auditor receives an appropriation for the same purpose, the DNR appropriation shall be reduced by a like amount.				\$23,632	
		- Appropriations and FTE provisions by DNR Divisions.					
		- Restore and repair Nashua Dam on the Cedar River				\$250,000	
		- Contract for a study to investigate the feasibility of expanding and modernizing the public water supply system in Winterset. The DNR shall report findings and recommendations of the study to the Governor and G.A. by Feb. 1, 1990.	2/1/90			\$50,000	

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Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
HF 778 (cont.)		<p>- Legislative Studies requested:</p> <p>a. Legislative Council shall conduct a study of current and future needs for artificial lakes and water recreation. Report shall be submitted to the Governor and G.A. by Jan. 1, 1981.</p> <p>b. Legislative Council shall conduct a study of current and future needs for state parks, forests, and recreation areas other than lakes. Report shall be submitted to the Governor and G.A. by Jan. 1, 1981.</p> <p>c. DNR shall not further implement any reorganization plans for state parks, including recent proposal, until Legislative Council submits report described in "b" above.</p> <p>- Funding for Brushy Creek Lake Project and the acquisition of additional lands to the south and west shall come from the REAP Open Spaces Account.</p> <p>- NR Commission shall establish a priority list of watersheds based on soil loss to be used by DALS while allocating funds for permanent soil conservation practices.</p>	1/1/81 1/1/81				
	17A.2.7.g	<p>- DNR shall by rule establish prices of state nursery stock to cover all expenses related to growing the plants.</p> <p>- DNR shall increase efforts to encourage forestation on private and public lands in the state. DNR shall encourage cooperative relationship between state forest and private nurseries.</p> <p>- DALS and DNR shall notify specified legislative committees prior to transferring funds between appropriation line-items. (VETOED)</p> <p>- DNR shall submit monthly budget reports to Legislative Fiscal Bureau.</p>	Monthly				
	1246.505	- Language was stricken requiring the state share of the AIOEX superfund cleanup to be repaid by June 30, 1989.					

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Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
HF 776 (cont.)		- Cessation of funding for the federal Resources Conservation and Recovery Act permit program for hazard waste facilities is extended by 1 year to June 30, 1990.	6/30/90				
	455B.463	- Iowa State Fair Board shall handle or dispose of waste generated on the fairgrounds under supervision of the Waste Management Authority.					
	314.23	- Specific requirements are described for mitigation and natural resource lands acquisition associated with highway and road projects.					
		- Brushy Creek Recreation Area Trails Advisory Board shall be established in DNR Parks and Preserves Division. Board to include 9 members as specified and meets atleast twice a year. Board shall advise DNR and NR Commission regarding trails in and adjacent to Brushy Creek Area.					
	455E.11	- Percentage of monies appropriated annually to DNR for grants to counties for conducting private, rural water supply testing is decreased from 23% to 17.5%.					
	455E.11	- Percent of monies appropriated annually to DNR for grants to counties for conducting programs to properly close abandoned, rural water supply wells is increased from 12% to 17.5%.					
		- DNR shall not require during FY 89-90 installation or use of equipment to control dust or other particulate matter emissions on or by grain storage facilities within the ambient air quality attainment areas for suspended particulates.					
	111.85	- Section 111.85 (Park User Permit) is repealed. Effective immediately. a. County recorders shall continue to remit fees collected which were paid prior to effective date. b. Monies and earned income collected by the park user fee within the State Park, Forest, and Recreation Area Facilities Improvement Trust Fund after July 1, 1989 shall be transferred to the REAP Management Account. c. No rebates or return of money to persons that purchased a permit.	5/13/89				

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Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
HF 785		APPROPRIATIONS FROM THE IOWA PLAN FUND - \$8 million to DNR for deposit in the Iowa Resources Enhancement and Protection (REAP) fund - \$400,000 to DNR for holding toxic waste cleanup days during fall 1989. To the extent practical, at least one cleanup day shall be held in each state congressional district. - Appropriations pertaining to biodegradable plastics: a. ISU for research b. UI of I for research c. UNI for polymer and elastomer research d. DALS for developing standards e. DALS for marketing	Fall 1989			\$8 million \$400,000 \$398,000 \$183,000 \$130,000 \$750,000 \$750,000	

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Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
HF 789		APPROPRIATIONS FROM THE PETROLEUM OVERCHARGE FUND - To Department of Human Rights for qualifying energy conservation programs for low-income persons. - To DNR for following purposes: a. deposit in the oil overcharge account of the groundwater protection fund, from the Stripper Well Fund. b. State Energy Conservation Program, from the Exxon fund. c. completion of the energy audits of public schools, from the Exxon fund. d. the Energy Extension Service Program, including \$70,000 to be used to match an equal amount of other public or private funds for the residential energy extension program at ISU, from the Exxon fund. e. development of a comprehensive energy management program for local governments, for installing cost-effective energy management improvements with matching moneys of \$550,000 from the energy research and development fund, from the Exxon fund. f. use by the Waste Management Authority Division in implementing a solid waste disposal grant program, from the Stripper Well fund. g. competitive grant program to provide weatherization assistance to low-income nonprofit housing organizations, from the Exxon fund. h. competitive grant program to provide weatherization assistance for energy conservation resources to group residences operated by nonprofit organizations serving low-income persons. i. continuation of energy conservation measures to group residences operated by nonprofit organizations serving low-income persons and for the continuation of the partnership in low-income residential retrofit program, from the Exxon fund. j. establishment and implementation of not less than 5 model farm demonstration project areas, in geographically distinct portions of the state, from the Stripper Well fund. An advisory group shall assist the DNR, with representation consisting of Directors from Soil Conservation Division of DALS and the Cooperative Extension Service.				\$3 million \$3.3 mil \$118,500 \$300,000 \$119,700 \$200,000 \$200,000 \$300,000 \$200,000 \$103,000 \$600,000	

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Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
HF 789 (cont.)	455E.8.6	k. development of the energy planning data base aspects of the natural resource GIS, in conjunction with DOT, from the Exxon and Stripper Well funds.				\$500,000	
	230.1	- Of the \$1 million appropriated to DNR for energy conservation grants and contracts, \$103,000 shall revert to the energy conservation trust.					\$103,000
		- 5%, not to exceed \$300,000 of the allowable petroleum overcharge monies to be used for administering the petroleum overcharge programs.				\$300,000 (max.)	
	93.11.3	- Energy Fund Disbursement Council is authorized to extend reversion dates, if necessary, for prior appropriations of petroleum overcharge funds in Iowa Acts 1986 and 1987.					
	93.11.3	- The Energy Fund Disbursement Council will oversee and approve expenditure of funds in the energy research and development fund.					
	93.11	- One-year extension to June 30, 1990 of appropriations of funds from the energy conservation trust to the DNR. (NOTE: Same verbiage is in S.F. 363, Supplemental Appropriations, except the Energy and Geological Resources Division is specifically referenced in appropriation language.					

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1988 GENERAL ASSEMBLY
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Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
HF 785		DROUGHT ASSISTANCE - DNR shall implement a statewide water conservation education program when the Governor has issued to atleast 15 counties a proclamation of disaster emergency due to a drought. - NOTE OF INTEREST - DOT required to immediately cease spraying of pesticides along state's roadsides in areas where vegetation may be used as animal feed. Effective until 1/1/90. Noxious weeds as defined in Section 317.1 are exempt from this order.	1/1/90				
HF 799		APPROPRIATION FOR THE CONVENTION OF OUTDOOR WRITER'S ASSOCIATION OF AMERICA - To DNR to support convention in order to promote Iowa's natural heritage and state tourism. - DNR and Dept. of Economic Development shall cooperate on the convention.				\$20,000	
SF 83	455C.15	PROHIBITION OF PLASTIC BEVERAGE CANS - Establishes the sale of plastic cans or contents within them a serious misdemeanor.					

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Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
SF 112		NONSUBSTANTIVE CODE CORRECTIONS					
	28G.3	- Reference to Water, Air, and Waste Management Commission changed to Environmental Protection Commission in Chapter 28G.3, Creation of Public Service Monopoly for constructing and utilizing a resource recovery facility for recycling solid waste for energy source.					
	109.90	- Chapter 109.90, unnumbered paragraph 2, was changed fromdoes not prohibit the owner to destroy a den todoes not prohibit the owner from destroying a den.....					
	323A.2.1c	- First half of sentence is deleted that pertains to motor fuel franchises requesting fuel from the set aside program.					
	323A.2.2	- Reference to Section 323A.2.1c is deleted from sentences pertaining to amount of fuel requested from another source other than franchiser.					
	172D.1.2	- DNR is included in definition of "Department" for on or after July 1, 1986.					
	455B.291	- Definition of Executive Director of the Iowa Finance Authority is deleted.					

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Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
SF 363		SUPPLEMENTAL APPROPRIATIONS					
	1272.5.4	- Funding eliminated for payment of assessments to the midwest low-level radioactive waste compact.					
	1249.4	- One-year extension to June 30, 1990 of appropriations of funds from the energy conservation trust to the Energy and Geological Resources Division. (NOTE: Same verbage is in HF 783, Appropriations from Petroleum Overcharge Fund, except DNR is referenced to receive funds rather than specifically the Energy and Geological Resources Division). - Appropriation from the General Fund to the Resources Enhancement and Protection Fund for FY beginning July 1, 1989, if fund is created by enactment of the 73rd General Assembly.				\$5,000,000	
SF 419		ENERGY EFFICIENCY					
	18.115	- State agencies purchasing motor vehicles for other than law enforcement purposes shall each year purchase new passenger automobiles such that the average fuel efficiency of the new automobiles is not less than 2 mpg under the national fuel economy standard established by the federal DOT. - State vehicle dispatcher shall annually report the average combined fuel economy for all new vehicles purchased by classification to Dept. of Management and DNR Energy and Geological Resources Division.	1/1/90 Jan. 31 annually				
	83.7	- DNR to identify a state facility to be used as a marketing tool to promote energy conservation.					

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Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
SF 419 (cont.)	53.13A	- All public and education agencies shall identify all energy conservation measures identified for which financing is made available by the DNR to the entity. The energy conservation measures financings shall be supported through payments from energy savings.					
	478.63	- The Utilities Division of the Dept. of Commerce shall consult with the DNR Energy and Geological Resources Division in the development and implementation of public utility energy conservation and efficiency programs.					
SF 401	455B.190	PLUGGING OF ABANDONED WELLS - All abandoned wells shall be properly plugged in accordance with the schedule established by the DNR. - DNR shall adopt rules that establish closure priorities and time frames. - All abandoned wells shall be plugged by July 1, 2000, to the fullest extent technically and economically feasible. - Legislation describes plugging requirements for Class 1, 2, and 3 wells. - DNR to sponsor an advertising campaign on requirements for plugging abandoned wells. - An owner may plug a well, subject to review and confirmation by a designated county agent or a well driller registered with the DNR. - Civil penalty is established for persons failing to properly plug abandoned wells. The penalty is \$100 per every 5 calendar days, not to exceed \$1,000.	7/1/00				

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Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
SF 470	455B.116	WASTE MINIMIZATION AND DISPOSAL - Results of any environmental test relative to purview of DNR are public records. - DNR not required to provide test results to any person until DNR Director and governing body have received a copy of test results. - Goal is to reduce the volume of hazardous waste generated in the state as a whole by 25% of the amount generated as of Jan. 1, 1987. Goal to be achieved by July 1, 1994. - DNR to reassess goal in 1994. - DNR shall promote and provide research, development, education, and assistance that are directed to achieve the goal. - The following hierarchy, listed in descending order of preference, is established: a. source reduction for waste elimination b. on-site recycling c. off-site recycling d. waste treatment e. incineration f. land disposal - DNR shall establish and distribute a listing of hazardous waste materials which are currently being recycled. - Hazardous waste generators are required to submit a biennial report on recyclable hazardous wastes which are not currently being recycled and the reason why they are not being recycled.	7/1/84 1094				

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Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
SF 470 (cont.)	453A.5.1.d	<ul style="list-style-type: none"> - DNR shall make recommendations to G.A. by Jan. 1, 1991 regarding potential fees and assistance to the private sector which state government may initiate to encourage and assist generators in reducing hazardous waste. - Annual report to Governor and G.A. shall also include specific recommendations for attaining goals for waste minimization and capacity assurance requirements. - DNR to develop and implement programs which result in widespread adoption of waste minimization. Education and information shall be among the programs. - Many programs shall be in cooperation with the Small Business Assistance Center at the University of Northern Iowa. 					
SF 488	455B.307	<p>SOLID WASTE DISPOSAL AND PENALTIES</p> <ul style="list-style-type: none"> - Increases maximum penalty from \$500 to \$5,000 for each day of violation. 					

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NATURAL RESOURCE BILLS

Bill No.	Code Ref	TITLE - Description	Action Dates	FTE (New)	Rev	Approp	Costs
SF 512	29.1	<p>IOWA EMERGENCY RESPONSE COMMISSION</p> <ul style="list-style-type: none"> - Iowa Emergency Response Commission is attached to Dept. of Public Defense for organizational purposes. - DNR shall have a representative on the 12-member Commission appointed by the Governor. - Duties to be allocated to DNR are: <ul style="list-style-type: none"> a. Emergency notifications of releases pertaining to the Emergency Planning and Community Right-to-Know Act shall be submitted to DNR. b. DNR shall advise the Emergency Response Commission of the failure of any facility owner or operator to submit emergency notification of Right-to-Know. c. DNR shall make Right-to-Know information available to public upon request. 					

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Mr. Combs distributed the Summary of 1989 Legislation and gave the status and an explanation of the bills of interest to the Commission.

This was an informational item; no action was required.

LEOPOLD CENTER FOR SUSTANIABLE AGRICULTURE REPORT

James Combs, Division Administrator, Coordination and Information Division, presented the following item.

The Leopold Center Advisory Board met in Ames on June 13, 1989. The agenda for the meeting covered a wide array of topics. Highlights of the meeting are presented below. Commissioner Clark Yeager was present at the meeting as an EPC observer.

* Dr. Keeney and his new assistant, Bruce Brown, reported on the progress at the Center. The Center's new location is at 3203 Agronomy on the Iowa State University campus.

* A representative from the Attorney General's Office and the Office of the President at ISU addressed the board on the issue of "conflict of interest" with board members applying for grants.

* Enhancing the visibility of the Center was discussed. New publications have been produced, however, others need to be updated. Displays and exhibits need to be produced for distribution at key events and locations.

* The Leopold Center received a special legislative appropriation of \$600,000 for FY-90. Specifics on the appropriation were not known, such as, time limit for use, conditions on the use of the funds, etc. Board members requested a detailed, periodic update of the Center's overall budget.

* Progress of the Leopold Center's "issue teams" was reviewed. The next Advisory board meeting will focus on the activities of the six "issue teams". "Issue teams" were established for developing comprehensive, inter-disciplinary long range plans for research needs on specific issues.

* Several items were presented as possible projects the Center may become involved in at a later date. No action was taken by the Board.

* Competitive grant awards with FY-88 funds has been completed. DNR's George Hallberg has requested an extension of unexpended Oil Overcharge Funds from the Energy Fund Disbursement Council.

This was an informational item; no action was required.

CONSTRUCTION GRANTS INNOVATIVE FUNDING SET ASIDE - FY 90
(Continued)

The Commission delayed this item yesterday to allow themselves time to study the options presented by Mr. Stokes.

Motion was made by Clark Yeager to have staff bring additional information on Option #4 to next month's Commission meeting. Seconded by Rozanne King. Motion carried unanimously.

TOXIC CLEANUP DAYS REPORT

Teresa Hay, Division Administrator, Waste Management Authority Division, presented the following item.

A report will be given on the Toxic Cleanup Days held in June, 1989.

Waterloo: June 3

Denison: June 17

Attendance, estimated quantities and types of waste collected for disposal, and related recycling efforts.

Ms. Hay gave the following statistical report:

Waterloo

640 households participated
100 containers (55 gallon drums) were collected
850 gallons of waste oil was collected
142 lead acid batteries were collected
300 gallons of waste paint was collected
87% participants were from urban areas
13% participants were from rural areas
66% of participants were from less than five miles away.

Denison

223 households participated
109 containers (55 gallon drums) were collected
320 gallons of waste oil was collected
242 lead acid batteries were collected
Some farm pesticides and DDT were brought in (no breakdown yet)
Waste paint was collected (quantity not yet known)
45% participants were from urban areas
55% participants were from rural areas
22% of participants were from less than five miles away
51% of participants were from over ten miles away

June 1989

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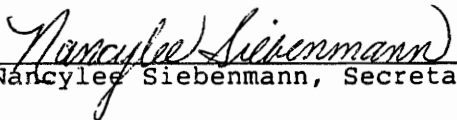
Ms. Hay stated that six Toxic Cleanup Days will be held around the state this fall.

ADDRESS ITEMS FOR NEXT MEETING

Orientation for Commissioners
Discussion on MCLs, HALs, and NRL's
Big Springs project discussion

ADJOURNMENT

With no further issues to come before the Commission, Chairperson Mohr adjourned the meeting at 1:40 p.m., Tuesday, June 20, 1989.



Nancy Lee Siebenmann, Secretary



Larry J. Wilson, Director

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File Name ADM-1-1-1 EPL Commission Mtg

Senders Initials JRS

MEETING AGENDA
ENVIRONMENTAL PROTECTION COMMISSION
WALLACE STATE OFFICE BUILDING
June 19-20, 1989

Meeting convenes following the Hazardous Waste Site License Commission meeting on June 19, 1989 in the fourth floor conference room and reconvenes on June 20, 8:30 a.m.

Appointment - Bernie Aulwes, Garden + Associates (Item #5) 2:30 p.m.

Break 3:30 p.m.

Appointment - Henry Co. Sanitary Landfill Commission 3:45 p.m.

Meeting reconvenes 8:30 a.m., June 20, 1989

Appointment:

Dr. Andrew Klein, Monsanto (Item #11) 8:30 a.m.

~~Union Carbide Industries~~ ~~9:15 a.m.~~

Break Touch Down Co. -- 9:45 a.m. 10:15 a.m.

Amoco Oil Co. -- -- -- 10:20 a.m.

Public Participation 10:30 a.m.

Committee to Save Ledges Representative 11:00 a.m.
(Item #12)

1. Approve Agenda
- 1A. Election of Officers
2. Approve Minutes of May 22, 1989.
3. Director's Report. (Wilson) Informational.
4. Monthly Reports. (Stokes) Informational.
5. FY 89 Construction Grants Innovative Funding Set Aside. (Stokes) Informational.
6. FY 90 Construction Grant Priority List and Fundable Project Summary. (Stokes) Informational.
7. Proposed Rule--Chapters 60, 61, & 62, Water Quality Standards. (Stokes) Informational.
8. Chapter 47--Private Well Sampling and Abandonment Grants to Counties, FY 90. (Stokes) Decision.
9. Toxic Cleanup Days Report. (Hay) Informational.
10. Toxic Cleanup Days Contract Approval. (Hay) Decision.
11. FY 90 Budget Overview. (Kuhn) Informational.
12. Premium Standard Farms Contested Case--Appeal of Intervenor, Save the Ledges Committee, of Administrative Law Judge Ruling on Intervention. (Combs) Decision.
13. Legislation Update. (Combs) Informational.

14. Final Rule--Chapter 133, General Guidelines for Determining Cleanup Actions and Responsible Parties. (Combs) Decision.
15. Referrals to the Attorney General. (Combs) Decision.
 - (a) Touch Down Company, et. al. (Webster City)
 - (b) Clinton Pallet Company
 - (c) Eagle Wrecking Company (Denver, CO)
 - (d) Kirshna A. Birusingli (Council Bluffs)
 - (e) Aubrey Dean Lisle (Council Bluffs)
 - (f) Winnebago Industries, Inc. (Forest City)
 - (g) Amoco Oil Company (Stuart)
 - (h) Tonja Mobile Home Park (Council Bluffs)
 - (i) Ken Turner (Ft. Madison)
 - (j) Henry County Sanitary Landfill Commission
- ~~15-K~~ - *Proposed Contested Case Decision - Mitchell Boars & Giltz (Combs) Decision.*
- ~~16.~~ Commissioners General Discussion.
- ~~16A~~ - *Leopold Center for Sustainable Agriculture - Report. (Combs) Info.*
17. Address Items for Next Meeting.

NEXT MEETING DATES

July 17-18, 1989
August 21-22, 1989
September 18-19, 1989

Items to be added to EPC agenda:

Item # 1A - Election of Officers - Decision

15- Proposed Contested Case Decision--Mitchell Boars & Gilts - Decision

16 A - Report - Leopold Center for Sustainable Agriculture - Informational

APPOINTMENTS

Monday, June 19

Bernie Aulwes, Garden & Associates (item #5) 2:30 p.m.

(John Klaus, Ames City Attorney would also like to address item #5 when it is presented, he does not have a specific appointment)

Referral — Henry Co. Sanitary Landfill Commission 3:45 p.m.

Tuesday, June 20

Referral — ~~Winnebago Industries~~ 9:15 a.m.

11 Touch Down Company 9:45 a.m.

11 Amoco Oil Company 10:20 a.m.

Proposals were submitted to the Department for the Toxic Cleanup Days in Waterloo and Denison from four firms. The firms, our cost estimates based on their proposal and other factors are listed below.

GSX Chemical Services, Inc. \$87,735.00

Over five years of experience conducting over 100 toxic cleanup days around the country. No violations on record as of 2/15/89. Five pronged technical approach for management of waste materials.

Drug & Laboratory Disposal, Inc. \$90,904

Four years of experience. Number of events conducted unclear. No violations. Four pronged approach for management of waste materials.

CECOS International \$143,883

Primary experience with toxic cleanup days within last four years. Number of events conducted unclear. No violations. Majority of waste would appear to be landfilled (last on hierarchy).

Interstate Environmental Services \$107,909

Experience conducting toxic cleanup days unclear in proposal. Emphasize recycling rather than landfilling but do not offer consolidation (increases costs).

89171 DNR 0020

ENVIRONMENTAL PROTECTION COMMISSION

Monday, June 19, 1989

NAME

COMPANY OR AGENCY

CITY

(please print)

Lee A. Friell	Hygienic Laboratory	Des Moines
DAH VEST	GROWMARK, INC.	Bloomington, IL.
JANE McALLISTER	AHLERS LAW FIRM	DES MOINES
Teri Dean	WRATH'S	Carlisle
TED YAWERK	(A FARM BUREAU	W. DSM
Tom Neumann	City of Ames	Ames Iowa
Suzi Hoffman	"	"
John Klaus	"	"
Bernie Andrews	Garden & Assoc.	Oshkosh
Janet Sawyer	City of St. Marys.	St. Marys, Ia.

ENVIRONMENTAL PROTECTION COMMISSION

Tuesday, June 20, 1989

NAME	COMPANY OR AGENCY	CITY
(please print)		
JANE McALLISTER	AHLERS LAW FIRM	DES MOINES
Winton Etchen	I FCA	DM. Ia
DAN VEST	GROWMARK, INC.	Bloomington, IL.
Keith Luchtel	Nyemaster Law Firm	DSM
Andrew Klein	Monnante Company	St. Louis, MO
Marty Strong	" "	" " "
Don Orshet	CR Gazette	
JEFF Robinson	LFB	
Leon W. Heath	Amoco Corporation	Tulsa, OK
Bill Keelm	Davis Law Firm	Des Moines
	for touch down	Iowa
James D. Pickett	Amoco	Chicago, Ill.
Elton Odoms	modis	modis
Merle Carpenter		madrid
Mark Treasdel	Beving, Swanson + Forrest	Des Moines
Michael H. Henz	Save the Ledges	Madrid
Courtney E. Belker	Save the Ledges	Madrid
Dave Brage	Capital Info Bure	DSM